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# PROCEEDINGS

## SEVENTEENTH ANNUAL MEETING

## NATIONAL ADVISORY BOARD COUNCIL

FEBRUARY 26, 27, 28, 1957

WASHINGTON, D. C.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EDWARD WOOZLEY, DIRECTOR

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BUREAU OF
LAND MANAGEMENT
LAND OFFICE

Assistant Secretary Chilson presents the Interior Department's Conservation Service Award to Chairman A. D. Brownfield

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1957

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

February 15, 1957

Dear Mr. Brownfield:

I am pleased to grant to you the Conservation Service Award of the Department of the Interior in recognition of outstanding service in the field of management and conservation of the Federal range.

Through your outstanding leadership as a member of the local advisory board, the New Mexico State Advisory Board, and since 1949 Chairman of the National Advisory Board Council, you have established an enviable record and reputation in the field of conservation and range management of the public lands.

Your efforts in promoting legislation to strengthen the Taylor Grazing Act have insured maximum efficiency and effectiveness in public land administration. Your invaluable assistance contributed materially toward the growth of the present comprehensive Federal Range Code to provide rules and regulations for public land administration. Your strong support of our study of the grazing fee problem relating to the public lands, of national importance for many years, was most helpful in bringing it to a successful conclusion in 1952 and in leading to adoption of the present fee system.

As a fitting tribute to your achievements in the field of conservation, this award is presented with my deepest appreciation.

Sincerely yours,

Fred A. Seaton
Secretary of the Interior

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# FOREWORD

The 17th Annual Meeting of the National Advisory Board Council might be called the "Drouth Conference." One will note in reading these proceedings that the drouth suffered by the people in the West seemed to influence the discussion this year. The discussion was thorough and at times lively, but the drouth seemed to have made the members a little more conservative in their thinking.

The proceedings are an experiment in more detailed reporting of the Council's deliberations. A tape-recording was made of the entire meeting so that the record could be as complete as possible. I hope this more nearly accomplishes what the Council has been requesting. We will be happy to have the views of the Council members.

A highlight of the 1957 meeting was the presentation of the Interior's Conservation Service Award to Chairman A. D. Brownfield by Assistant Secretary Chilson. This is the highest award that Interior gives to people outside the Department.

I speak for the Department and the Bureau, as well as myself, in expressing my appreciation for the Council members' public-spirited devotion to the principles of sound management and conservation of the public lands. I wish to commend you on your effort to help us reach a mutually acceptable goal.

Edward Woozley
Director
Bureau of Land Management

## ATTENDANCE

### Council Members

| State | Cattle | Sheep |
|---|---|---|
| Arizona | George Douglas | Vard H. Heaton |
| California | Brunel Christensen | Somer Beeson |
| Colorado | Leonard Horn | Stanley J. Wyatt |
| Idaho | Milford Vaught* | T. C. Waddoups |
| Montana | W. F. Garrison | Frank O'Connell |
| Nevada | Fred Strosnider | George Swallow |
| New Mexico | A. D. Brownfield | Floyd W. Lee |
| Oregon | Henry Gerber | Julian Arrien |
| Utah | Stanley McKnight | Briant H. Stringham |
| Wyoming | C. M. Grieve | John W. Hay, Jr. |

Wildlife Representatives - Area 1 - John Scharff - Oregon
Area 2 - C. Oren Wilson - Utah
Area 3 - Harold Evans - Wyoming

*Unable to attend.

### Department

| | |
|---|---|
| Assistant Secretary, Public Land Management | Hatfield Chilson |
| Special Assistant to Assistant Secretary | Carl Junge |
| Assistant Solicitor | Robert McPhillamey |
| Attorney, Solicitor's Office | Herman Lieberman |
| Attorney, Solicitor's Office | Joseph H. Tudor |
| Staff Assistant to Assistant Secretary | Tom Flynn |

### Bureau of Land Management

| | |
|---|---|
| Director | Edward Woozley |
| Associate Director | Earl J. Thomas |
| Assistant Director | Depue Falck |
| Assistant Director | Charles P. Mead |
| Assistant to the Director | Charles R. Drexilius |
| Area Administrator, Area 2 | Neal D. Nelson |
| Area Administrator, Area 3 | W. B. Wallace |
| Range Staff Officer | G. M. Kerr |
| Range Officer | Royale K. Pierson |
| Range Conservationist | John A. Keith |
| Range Conservationist | Max W. Bridge |
| Range Conservationist | Myrvin Noble |
| Legal Assistant | George R. Hyde |

| | |
|---|---|
| Lands Staff Officer | Harold Hochmuth |
| Forester | Birger Berg |
| Range & Forestry Officer, Area 1 | Leon R. Nadeau |
| Range & Forestry Officer, Area 2 | Chesley P. Seely |
| Range & Forestry Officer, Area 3 | Cyril Jensen |
| Forester | Gerald Horne |
| Forester | Vance Tribbett |
| Valuation Engineer | W. L. Shafer |
| Eastern States Supervisor | Luther T. Hoffman |
| Personnel Officer | Edgar B. Carroll |
| Administrative Assistant | Ralph Carpenter |
| Management Improvement Officer | Lewis T. Miller |
| Area Forestry Officer, Alaska | Don Schofield |
| Adjudicator, Utah | Ed Cox |
| Adjudicator, Washington | Craig Decker |
| Management Analyst | Dwight Rettie |
| Land Law Examiner, Alaska | Tom Floyd |
| Hearings Officer | Elmer Graham |
| Range Manager, Colorado | Robert Anderson |
| Administrative Assistant | Dennis Rapp |
| Range Conservationist, California | James M. Linne |
| Information Officer | Mack Corbett |

## Visitors

Senator Henry C. Dworshak -- Idaho
Representative Keith Thomson -- Wyoming
Representative Ben F. Jensen -- Iowa
Mr. Howard E. Scott from the office of Congressman Aspinall -- Colorado
Representative Leroy H. Anderson -- Montana
Mr. Jerry O'Calligan --Sen. O'Mahoney's office -- Wyoming
Mr. Harold Burback -- Retired Regional Grazier
Mr. J. Clark Salyer -- Fish & Wildlife Service
Mr. Harold Rosendahl -- President of the Wyoming Woolgrowers
Mr. Roscoe Hazard -- Prudential Insurance Company - Newark, N. J.
Mr. Cy Ferguson - Equitable Life - New York, N. Y.
Mr. George A. Fletcher - Travelers Insurance Co. -- Hartford, Connecticut
Mr. Harvey Dastrup --American Farm Bureau Federation
Mr. Don Fredrickson -- Rancher --Idaho, and Chairman Public Lands Committee, National Association Soil Conservation Districts

National Advisory Board Council Meeting
Department of the Interior
Washington, D. C.
February 26, 27, 28, 1957

Standing - left to right

Frank O'Connell, Helena, Mont.

Bill Garrison, Glen, Mont.

Fred Strosnider, Yerrington, Nev.

Somer Beeson, Likely, Calif.

Stanley McKnight, Minersville, Utah

Howard Scott, Colorado, Congressman Aspinall's Office

Carl Junge, Secretary's Office

A. D. Brownfield, Chairman, Deming, N. Mex.

G. M. Kerr, BLM, Washington

Floyd Lee, San Mateo, N. Mex.

Don Frederickson, Idaho, Chairman, Public Lands Comm. Natl. Assn. of Soil Conservation Districts

Harold Evans, Lander, Wyo. (wildlife)

John Scharff, Burns, Oreg. (wildlife)

C. M. Grieve, Lander, Wyo.

Seated - left to right

George Swallow, Ely, Nev.

Leonard Horn, Wolcott, Colo.

Stanley Wyatt, Craig, Colo.

George Douglas, Morristown, Ariz.

Vard Heaton, Alton, Utah

Senator Henry C. Dworshak, Idaho

Assistant Secretary H. Chilson

Director Edward Woozley, BLM

T. C. Waddoups, Moore, Idaho

Brunel Christensen, Likely, Calif.

C. Oren Wilson, Salt Lake City, Utah (wildlife)

Briant Stringham, Vernal, Utah

John W. Hay, Jr., Rock Springs, Wyo.

Note:
Milford Vaught, Bruneau, Idaho, unable to attend due to ranch accident.
Henry Gerber, Klamath Falls, Oregon, and Julian Arrien, Vale, Oregon, absent at time the picture was taken.

# NATIONAL ADVISORY BOARD COUNCIL
## ANNUAL MEETING, FEBRUARY 26, 27, 28, 1957
## WASHINGTON, D. C.

Tuesday, February 26

Chairman A. D. Brownfield, presiding.

Please come to order. I believe this is the 17th Annual Meeting, and we have a new method started over here, I notice, and you ought to be careful what you say, but be sure and say plenty. For the record, I believe we will start off by having each Council member and all of the staff, Mr. Director, introduce yourselves and tell us what State you are from. We will start from the left. (A roster of those attending will be found in the front of these proceedings.)

Thank you, gentlemen. It is nice to have all of you here, and I think we've got a mighty good turnout. How many of the Wildlife representatives are present? All three? Good. We only have one or two new members on the Council. Would you introduce yourselves the second time, so that we will all know the new members?

Gerber, Oregon; McKnight, Utah; Wyatt, Colorado; Swallow, Nevada; Grieve, Wyoming.

Thank you, boys. I think the first thing on the agenda, Mr. Director, is your report. We will turn the meeting over to you.

Director: Thank you, Mr. Brownfield. Mr. Corbett just came in and told me that the airplane flight of two of our gentlemen, Mr. Christensen and Mr. Beeson, has been delayed and they will be late. We have a telegram here from Idaho saying that Mr. Waddoup's partner, Milford Vaught, has had an accident on the ranch. It didn't say whether the accident was to Milford, but at least it was impossible for him to be here. So three, I guess, will not be here. (Mr. Stringham was due last night, but has not arrived yet.) Well, I guess the way the fog is and flying conditions, it is likely that there will be some vacancies, but, as the chairman has already said, I think this is one of the largest groups that we have ever had the pleasure of meeting and we are certainly pleased to welcome all of you to Washington. Also, those visitors and the persons from the Bureau of Land Management and other agencies that are here and you boys who represent the financial industries. I might say that we are working very closely with the credit and financing institutions in getting information for them in the field, and we've been working out cooperatively a system of reporting so that they will be able to know at all times just what the situation is in regard to the livestock industry. Before I start out on any sort of a prepared speech, and I know that some of this has to get in the record, I would like to tell you just how we operate here in Washington. We decentralize everything that we think can be decentralized to the field, just as close to the grass roots as it is posssible to operate.

Here in Washington on the Director's immediate staff, we have Earl Thomas who introduced himself as Associate Director. If any of you want to visit with Earl concerning some of your problems that you may have brought in with you, he operates the management improvement field; he cuts all the red tape possible, develops new forms, regulations, procedures; that sort of thing. He handles program coordination, which starts right down at the district level in working out our program, not only for this year but for future years. He also has the inspection program which follows up to see that we are actually doing the job out there, and records management. He will tell you more about that. We have a management improvement program going on in records. It's the first real innovation in records improvement since 1812, when the old record system was set up. He also has under his supervision the field hearings officers.

We have Mr. Mead, who introduced himself down here. Chuck is Assistant Director in charge of technical activities. The Lands Staff Officer, Mr. Hochmuth, and his staff; Minerals, Mr. Hoffman and his staff; Forestry, Mr. Horning and his staff; Cadastral Engineering, Mr. Harrington and his staff; Range Management, Mr. Kerr and his staff: and International Cooperation, Mr. Denny and his staff, all come under Mr. Mead's particular supervision.

Mr. Falck, as most of you know, has been with the Bureau of Land Management since it was first set up. He is our Assistant Director in charge of operations, sometimes called the housekeeping function. He has charge of Budget and Finance; Personnel; Field Services, which you will hear more about, and Property Management, and acts as Area Administrator for the Eastern States Office.

Then, we have Charles Drexilius. I don't see him here. I guess he's too busy. He acts as our legislative liaison man and also takes care of special problems, particularly in the line of adjudication. He is sort of an unofficial secretary. We call him our Sherman Adams because he sits in on all the meetings, keeps track of what's going on in all the various functions, and sort of keeps us lined up together. When one or the other is away on business, he can fill in and keep us advised as to what's happening. So you can see that my job is relatively simple. All I have to do is work with all of these groups.

Now I know that most of you would prefer to stay out West and take care of your affairs out there, rather than come to Washington, D. C.

so we appreciate having you come here and meet with us. You can see from the agenda that the suggestions and topics sent in by Council members play a large part in the conference program. We thank you for them as we learn by having you send in suggestions for our agenda. I would like to say that I think Mack has this talk reproduced, so I am going to try and talk as informally as possible, then you can have the prepared talk to go into the record.

Now you fellows, you Council members, are an integral part of the Bureau of Land Management. You are not just interested in range management, but I am sure you are interested in all the phases of BLM and you no doubt get asked questions concerning various phases of the Bureau so we would like to show you the whole picture if possible and very briefly give you a sort of a detailed report of what happened since you were here last year, what we expect is going to happen in the coming year, and then we will go into our detailed and more formal program as we go along.

(This is Dick Smith, U. S. Chamber of Commerce. We would like to introduce you here, Dick. We just got through with the introductions. Glad to have you here.)

Our total earnings for fiscal year 1956 were the highest in history, that is excluding the earnings on the Outer Continental Shelf. We took in $100,900,000 in 1956. This compares to $66,800,000 in 1953. In addition, we took in $111,200,000 from oil and gas leasing in the Outer Continental Shelf. This adds up to an average return of $10.88 for every dollar expended for a total income of $212,200,000 on an operating budget of $19.5 million. Some of you may wonder where the $212,200,000 goes. Approximately $11,900,000 went to the O&C counties in western Oregon as their share of the earnings from the O&C lands, $24,700,000 was distributed to 26 public land states and Alaska for their share of the earnings from public lands, $36,800,000 went to the Reclamation Fund. They get 52½ percent of our earnings on mineral leasing and certain other incomes. Most of the balance, $134,900,000, went into the general fund of the U. S. Treasury. Nearly $619,000 was returned to the grazing districts for range improvements. Our earnings last year were higher in every major capacity or category except the Outer Continental Shelf. We had a stop order slapped on us down in Louisiana last year, so we only had one sale there in 1956 and so far we have none in 1957. Mineral leasing gained 4.6 percent from $66.7 million to $69.8 million, grazing fees 9 percent from $2,200,000 to $2,400,000, O&C timber sales went up to 40.7 percent from $16,400,000 to $23,000,000, public land timber sales went up 11.4 percent, from $1,600,000 to $1,800,000, and sales of public lands and materials went up to 17.9 percent from $1.9 million to 2.2 million. I might say here that there was no increase in the number of acres that were disposed of but they did bring a higher price, principally because of the small tract program. Service fees went up 14.5 percent from $735,387 to $842,664. So you can see that we have quite a well-rounded program and a lot of responsibilities in addition to that of managing, along with you folks, the Federal range. One of those not reflected in the above statistics is our responsibility for keeping the public land records. In this, we feel we are making, as I said beofre, a real innovation. In 1812, when these old records were originally set up, it was assumed that lands would be disposed of by quarter sections, 160 acres, and they were set up so that there was no disposal for less than 40 acres. Of course, there was no idea then of management of any kind appearing on the record. So our soil and moisture, halogeton control, and our other types of range improvements, mineral leasing of various types could not be conveniently shown. There was no place for those on the record and they have been written in on the side and over the top and every place they could be. Our new record system will allow for that.

The first phase of the new system is the indexing and microfilming of some different types of instruments. The microfilms are put on IBM cards with windows. They have been sorted out by section, township, and range and have been sent out to each State so they can determine the mineral rights and other rights in each part of the Federal land. Now we have started on the second phase of this program to replace the old records. The first is on 2,500 townships in Utah, and the second contract was let recently on 3,400 townships in New Mexico. When these were completed, it will be possible, we hope, for a person to walk in, open the books any working day of the week and find out just what the status is on any particular piece of Federally owned land. Now this will be very helpful not only to you folks who use the records for your own individual use, but to other agencies besides the Bureau of Land Management.

Another place where we have made considerable gain in the past year is in our adjudication of cases. In adjudication of lands and minerals, we had 113,000 cases come in last year (applications), and we were able to close 120,00 which gives us a credit balance of 7,000 cases and it's the first time in years and years that we have made any inroad of the backlog that has been piled up. Before 1953 we were closing around 60,000 cases a year so we practically doubled the number of cases that we used to be able to handle, and, inc~~identa~~lly, the setting up of an appeals unit here has also made possible similar progress toward eliminating the appeals backlog. Since we set this appeals unit up, they have handled over 3,400 decisions, and this is in addition to the preparation of a digest index on appeal decisions so that any one of our offices here or in the field can find cases that are similar to the one they are working on at the present time. Since March 1, 1956, our grazing appeals backlog has been reduced from 138 to 86 cases and that's the first time since I have been connected with the Bureau that we have made any substantial progress on our appeals cases. We also now have our grazing appeals handled separately here in Washington. George Hyde, who is handling the machine here today, is working with the grazing unit turning out appeals so that the Solicitor's Office now assists us on reviews on those particular cases, but they are not responsible for the turning out of the whole case. So we have been able to reduce our cases on hand here. Our full-time expediter has helped turn our 27 decisions including 15 section 3 cases in the past year, some of which are very complicated.

Now as to Lands. Our classification program is aimed at the highest and best use of unreserved public domain lands, and we have to keep in mind (I am sure you folks representing livestock and wildlife interests out there are interested in this) that the growth of the far West and Alaska is supposed to get foremost consideration. We all realize that there are many competing uses for lands, and it is our hope that we can build up the lands under our stewardship so they will handle more livestock and still allow some lands to go into private and State ownership for their highest use. We have substantially increased our lands personnel here and in the field. The principal individual demands for public lands have been for small tracts especially in southern Nevada and California, although most of the other States now are getting some small tract interests. We have had tremendous success in disposing of small isolated tracts that could not be properly managed in the Eastern States, particularly down near the Russellville, Arkansas Office. We are now disposing of some tracts in Minnesota, Wisconsin, and other States up there. Last year we leased or sold nearly 12,000 tracts comprising about 50,000 acres, and that didn't include all of our public sales.

The scope of our forestry program is another thing that probably is not realized by many people. Actually we have three programs. We have the O&C forestry program in western Oregon, we have our public domain forestry and woodlot programs in the Western States, and we have a forestry program in Alaska. In Oregon we administer over 2,000,000 acres of the O&C lands and on these last year we cut over 600 million board feet of timber valued in excess of $19 million. I think our income from that is actually about $25 million but some of that is predicated on past sales. We have been able to constantly improve our management practices in the allowable cut, and we soon expect to be able to cut 700 million board feet. We are also making new inventories constantly. We have about 3½ million of commercial forest lands on the vacant public lands in the 10 Western States, and there are about 40 million acres of potentially commercial forest lands in Alaska. We recognize that we have a definite responsibility for the sustained yield management of our commercial forest lands on the public domain pending their classification for higher use, and of course you know that with scattered tracts of land--40, 80, 120 acres in a tract-scattered around the country you can't do a very good job of management. It is possible to turn some of those tracts to private ownership, put them on the tax books and have them fit in with an integrated forestry program particularly under the tree farm idea.

In minerals, we have two types of minerals programs that we talk about here. One is leasable minerals in which oil and gas, phosphates, potash and some other leasable minerals are managed by us, and then we have the hard rock minerals which Bill Shafer will tell you more about as we go along. The latter have to do with filing of mining claims, issuance of patents, determination of validity, and he will also explain the operations of P. L. 167, which gives us a good deal more leeway in managing the surface of these lands pending a determination of validity. For this purpose we have hired additional minerals evaluation engineers during the past year. In turn, more people doing field examination work has necessitated some additional work in our Land Offices. Incidentally the problem of obtaining better protection for range lands under P. L. 167 will also be discussed by Bill Shafer, and of course Jerry Kerr will get into that, too. We will explore ways to better protect these lands that we are all attempting to manage for the surface resources. It is a little difficult, we find, to determine just what is necessary in the working of a mining claim. It seems as though each miner has a different conception of what he actually has to do to operate his claim. However, we feel that where any land user finds a very destructive program going on on his range, he should refer it to his range manager. We believe it can be investigated, that information and pictures possibly can be taken, and these can be referred to the State Supervisor for whatever action we consider necessary. It may be that we can take some of those cases into court where there is unnecessary use of the surface. We want to be pretty sure we have a good case, however, because it can do us more harm than good if we were not able to prove our case.

Most of us don't realize it, but cadastral surveys probably are the primary functions for any land management agency. Unless you know the lands and know the boundaries of the lands you are managing, it is a little difficult to manage trespasses, disposals, leases of any type, or even permits. We have made wonderful progress in the last three years in new surveys. I think in one year in the State of Utah we were able to turn to the State some 203 sections of land that otherwise probably would not have gone to Utah until after they had been filed on for mining applications or oil and gas leases. We are doing some of that work in Arizona and considerable in California. Last year we surveyed 1,300,000 acres in the States and 65,280, in Alaska but some of that were resurveys where boundaries are obliterated, and it is necessary to go in and resurvey in order to determine just where our lands are. We have found that helicopters can be used to good advantage in surveys, particularly in southern Utah and in the rough country out West where it may require several hours for a crew to go from a camp out to the actual project. We are now handling that in the matter of just a few moments. I think Neal Nelson can give you some detailed information on that if any of you are interested. It is actually cheaper to run a mile by using helicopters in certain areas than it is to have these boys go by jeep or by foot from their camps. We are also using the most improved trailer camps so that we can attract a good class of engineers to go out in the West on these projects and in some instances we have encouraged them to take their families with them. We are also studying the possibilities of aerial photography in cadastral surveys. It can be of material assistance, particularly in resurveys.

On personnel management (that's handling of people, of course), we think that we are making considerable progress. We have a vigorous recruitment program and our boys are visiting colleges, visiting schools of various types. We are talking with people who are engaged in private enterprise who feel that there may be an opportunity in government, and there is some changeover from other Federal agencies to our Bureau. Now we are not particularly trying to attract people from private business or from other branches of government, but we are a growing and expanding outfit and we can offer opportunities that possibly you wouldn't find in some other places. We have a total strength of about 2,200 people compared with about 1,300 in 1953. We have a well conceived advancement program. The fellows who are able to qualify for the higher jobs are given the opportunity to move up or to move out into better jobs. And of course we have the last stage of it. That is inspections to see after they are moved into better jobs that they really do their jobs. We have, as I mentioned before, an international cooperation working arrangement. Mr. Denny is in charge of that. All other nations who want to learn about our technical activities or about our management send some of their people here and meet with us. They go to the field and work out of the State Offices and Area Offices, and sometimes down to the district offices and actually learn by doing in our programs. Then, they carry that information back to their countries. We have had many people here, particularly from the Philippines, from Formosa, Thailand, and many countries in the Middle East. We have had quite a few here from Pakistan, and we have as many as 10 or 12 of our people on assignment all the time helping with that type of program in the foreign countries.

We have a field services division that has been set up here and is actually in operation. I don't believe that was operating a year ago when you were here but it was getting started. It handles all the mail service for everything in the Central Office and Eastern States, and it handles most of the detailed operations, such as the issuance of patents and getting information for people who write in to us or their Congressmen. The issuance of patents now has been cut down to an average of about one week from the time we receive an application until we can actually issue a patent. There are photostats of all patents that we have to go to the Archives to get, and we are getting that worked out so that there is the very minimum of delay in getting that type of information.

Then we have our program coordination activity which starts right at the district office so each person who is a manager of an office is constantly looking ahead to the future for the program he wishes to develop in range management and wildlife management. He is thinking about waterhole development, brush eradication, fencing, and reseeding. He is constantly making a list, you might say, of the desirable features that should be done, the approximate cost and the priority of each of those. Then that works up through the State Office and from there to the Area. The Area coordinator and supervisor come in once a year, and we work out entire plans for the Bureau. That is the basis for our budget so that actually the boys right on the ground floor are working out the details which eventually lead to our budget submission.

We have now started a more flexible system in our accounting so that we won't be bound by budgetary limitations and so there will be a little more leeway in transferring money from one phase of our operations to another when the occasion requires it. I don't know whether Jim Beirne or Dep Falck will have any opportunity to explain that to you, but it's in the offing now.

Now in range management (and I know that the one you are chiefly interested in), we feel that we have made some real progress. We are all aware that the range livestock industry is basic to the economy of the Western States, and wildlife utilization of the range for food and shelter is very important too. So we constantly strive for new and better ways to get the best grazing capacity information obtainable as the basis for apportioning livestock grazing privileges to qualified range users. As an evidence of this, we took the initiative in calling an interagency meeting at Great Falls, Montana, this winter, there resolving an agreement to establish a task force to modernize and improve range survey standards for uniformity among the Forest Service, Bureau of Indian Affairs, SCS and BLM. We are pleased with the early success of our new range survey policy of having a field day or range tour for range users, interested community groups, wildlife users and others come out and look at the range. One of our range managers explains the needs and problems to them and also explains our method of range surveys. Then, if they feel that they would like to have representatives of interested groups go on the survey, they are invited to go with them so they can actually see what's happening to the range. We expect to follow this up by trend studies and, in some instances, we are going to have actual demonstration plots, although they are pretty expensive. We think this range tour, public information part of this is going to work out fine. We are already getting some very good results, and we think the adjudication program will be speeded up through fewer appeals by having a better understanding at the very beginning.

As most of you know, the range fee was set at 15 cents an AUM by the National Advisory Council and Bureau of Land Management in 1954 when we had the meeting in Denver. The understanding was that we would go on a sliding schedule based on the average price of beef and sheep in the 11 Western States on January 1, 1957. Inasmuch as the Secretaries of Agriculture and Interior and the President had just completed a range tour when we got the information and had promised the livestock industry every assistance possible, we felt there was merit to considering the advisability of not changing the fee for at least another year. The average price in the 11 Western States for the calendar year 1956 was $15.40 a hundred for beef and $18.30 for lamb, an average of $16.80 or 16.8 cents a pound. Our sliding scale says that when the average price moves 2 cents either way that we would change our schedule, which would have meant going to the scalefee of 17 cents on January 1. We called up Mr. Brownfield, and I want to say that he is a real gentleman to stay with his word. He said, "Well, we made a bargain and we are ready to stick to it." But after we had talked a little while, we decided we would ask the Secretary for his opinion on it and if he felt it advisable we would recommend that the fee not go on the sliding scale until January 1, 1958 due to drouth conditions over most of the Western States. That was done so the fee will stay at 15 cents for this year and next year we will be better able to go on the scale. I don't know what the fee will be, of course. None of us will until about the first of February next year.

We have issued about $4,200 in refunds since 1952 on grazing fees where drouth has made it necessary that a person be compensated for payments he had made where he could not use the range. We have deferred nearly 9 million AUMs of grazing use since 1951 in response to applications for nonuse. We have another type of drouth relief wherein we have given $15,000 in future credits for grazing use when users have preferred this to refunds for monies already paid. We believe all of you can do a real service to explain this to your people. Where they cannot use the range, they can either get a refund on the money they have paid in or they can get a credit in the future by taking the matter up with the range manager.

We have been asked by some groups to waive grazing fees on a State basis or an Area basis, but after studying the whole situation it was felt that this was probably not fair to everyone concerned. I know some places where they are getting full grazing privileges, others where they are getting very little, some getting a part of it. We felt that if we handled it on an individual basis, although it would be considerably more work, it would be more fair to everyone concerned.

We have been doing a few things out there in range improvement that might be interesting to you. We have constructed about 5000 springs, wells, stock tanks, and stock watering reservoirs with the cooperation of the range users, and more than 3/4 of a million acres of range have been brought under waterspreader dike systems which provide indirect benefits for another estimated 3 million acres of lands adjoining the diking projects. Thousands of acres that would not hold or retain the water where it falls have been pitted and fenced to permit revegetation. That's working very well, particularly in Wyoming. We have removed undesirable brush and shrubs on nearly 3½ million acres to encourage the growth of native grasses and other natural forage and in addition nearly 1½ million acres have been reseeded. The additional funds that Congress has been making available to us for S&M programs have been wisely spent. This is the second year of a 20-year program that would ordinarily require from 50 to 100 years. It has been stepped up and an analysis of the appropriations received for 1956 and 1957 shows that nearly $5,700,000 of the $6,000,000 received will go into actual project work. Supervision and overhead costs are being held to less than 7 percent, which I think is pretty remarkable.

Now we have another problem that we are attempting to get an answer to and that is the trespass problem. We think maybe we will require some legislation but even pending that there are a lot of things we can do. We found this year that one of the things we will have to do is to get some tangible evidence of trespass damages. We will have to get some actual measurements of what it means in way of damage to the range and the loss of forage and possibly something that will have to stand up not only for the hearings officer but maybe in court. So we are starting to get some actual facts from neighbors and others that will strengthen our case when persons turn unauthorized livestock on the range.

Another thing that has been put into effect since a year ago is the hearings under the Administrative Procedure Act. In the past they have been held under our Rules of Practice and of course the person was allowed a chance to appeal to the Director and the Secretary. I will say that on grazing I think it has always been held under the Administrative Procedure Act and when we finally get this thing worked out we expect to have from ten to twelve hearings officers in the field that can interchange so that if we do have additional cases that should be handled by a hearings officer on grazing we can put one of the other fellows on grazing and we can sometimes put a grazing hearings officer on minerals and lands where it seems desirable. We can keep our program in a better balance. Mr. Graham will have more to say about that, and tell you the details on the hearings officer's side.

Incidentally, that's one of the things we want to take up with you gentlemen on the Board. I mean conforming the Code to the A.P.A. A slight revision in the Range Code will be required to get this thing on a uniform base. Up to now the fees that have been paid for the lands hearings and livestock hearings have not been uniform with what will be required under the new system. If we can change the Range Code so that they can all come under the same hearings procedure, we can then do the very thing that we have mentioned here.

Last year, right after we held our meeting, some problems came up regarding mineral leasing on game ranges and game refuges and the Bonner Committee, called the Committee on Fisheries and Merchant Marine, objected to certain procedures and an agreement was made by the Secretary with the Bonner Committee that, pending clarification by Congress of this whole matter, future diversions of interest in any way in lands in which the Fish and Wildlife has any interest would be submitted to the Bonner Committee before any action was taken. We are still suspending action on several cases and no doubt you will want to discuss that further as you get into the matter. Mr. Hoffman will be here, our minerals staff officer, to discuss the activities on the game ranges at a later time in the program.

Now I know we are all concerned about further reductions in grazing land acreage where it isn't actually proven that it has a higher value than for grazing. Many new bills have been introduced, I am sure you are interested in them and I believe most of the bills are in your folder here, so we will just touch a few very briefly. The Engle bill, H. R. 627, and several others that are companions to the Engle bill, have to do with withdrawals and restorations. I know you will be interested in that because most of you come from States where there have been extensive military withdrawals. Briefly, the bills that have been introduced which we will call the Engle bills for short requires that any military agency that wants to withdraw more than 5000 acres will have to go before a committee of Congress to get approval. Section 5 of H. R. 627 would amend existing law to permit the Secretary of the Interior to determine whether excess, withdrawn public lands should be returned to the unreserved public domain status, or, if it has been changed in character, go to the General Services Administration and be disposed of as surplus. The General Services Administration makes that determination under the present law. It would also propose to change the present laws so that the Secretary of the Interior, under delegated authority, would be the only one who could dispose of the minerals in these lands under the mineral leasing or mining laws. Some of these lands have been sold by General Services and the minerals, of course having been reserved in the withdrawal, are in a pretty fuzzy state. The fellow who buys them doesn't know whether he has the minerals or not and in some instances we don't either, so this would clarify the mineral leasing or the mineral location on lands that have been withdrawn.

> (Floyd Lee: May I make a correction in your statement there? In that bill, Mr. Engle required an Act of Congress, not just go before the committee, for approval of more than 5,000 acres.)

That's right, it would be an act. If H. R. 627 is passed in its present form, military withdrawals in excess of 5,000 acres could only be made by acts of Congress.

H. R. 935 is more or less a special bill. It would delete more than a township of range lands from Utah Grazing District 8 and Colorado District 1 in order to enlarge Dinosaur National Monument and make it a national park. We haven't reported on this bill yet nor has, of course, the Department.

H. R. 500, the Saylor bill (and there are several companion bills) would establish a national wilderness preservation system and set up a council to aid existing Federal agencies in administering wilderness areas. As a Bureau we have no wilderness areas that we know of. We supply wilderness areas for some other groups that may wish to have them withdrawn, but we actually do not have any wilderness areas. We have no objection to the establishment of the system, but we wouldn't favor any legislation that would disrupt our multiple use concept in management of the public domain. I might say that they are having a more or less wilderness conference out in San Francisco the middle of March. We have been invited to attend and the heads of most of the agencies from this Department are going out there to learn, principally, but also to be able to present the views of Interior regarding wilderness areas. We won't deal specifically with legislation because no reports have been made yet, but we would like to get the philosophy of the groups there to be able to report to you folks who are interested in the recreational aspects of these lands, as well as the wildlife and grazing just what happens.

H. R. 2771 and 2871 provide for a different kind of a grazing reduction, namely, through payments to ranchers for reducing their acreage of grazing lands, with corresponding cuts in livestock, as part of the Soil Bank program. We think these bills need some clarification on several points. Whether livestock operators will be allowed compensation for retirement of public grazing lands is not clear, and the Department should be given discretion to adjust use on the public lands for selective retirement of those portions where the greatest benefits will be derived.

Along similar lines S. 608 and H. R. 2860, the Watkins and Dixon bills, would give stockmen subsidy payments to reduce use on grazing lands under permit from the Forest Service and Bureau of Land Management, but it is practically all under the jurisdiction of the Department of Agriculture. It is objectionable to us for a number of reasons, so far as unreserved public domain land under Bureau of Land Management is concerned. Broadly, it conflicts with long-standing provisions and policies of grazing district administration under the Taylor Grazing Act.

H. R. 3378 is of direct concern to all of our grazing advisory boards in that it provides legal status for advisory boards and requires the board chairmen to be government officers.

I was just discussing some of the legislative proposals that are in the mill over there and H. R. 3378 would provide legal status for advisory boards and require the board chairmen to be government officers. In other words the idea of the bill is to require that every advisory board that has to do with government will be chairmanned by government officials, rather than by a member of the board itself who is not connected with government. We have therefore recommended that these boards be exempt from blanket legislation of this type as the OCC advisory boards and the grazing advisory boards are set up under law and working, we think, very satisfactorily. It gives more freedom of operation under the present plan. Another thing we don't like is the proposal that advisory board meetings be restricted to consideration of pre-determined agenda. We think a lot of the time fellows will bring something in that they have just gotten that morning or the night before, and they haven't had time to put it on the calendar and it may be a good deal more important and pertinent right at that time than some of the things that are on the calendar. There should be a way to bring those things into the meeting and act officially upon them.

H. R. 2367, and a companion bill, introduced by the Texas delegation provide payments to stockmen for deferring grazing in major drouth areas where deferred grazing is not less than 12 months. We haven't had a chance to report on that yet.

Senate bill 672 like S. 1620 last year proposes funds for control of noxious weeds on public lands by State agencies. Of course the idea is sound, but no Federal agency could agree to take care of the weeds on their lands unless they had appropriated funds to do so and so it may run into some difficulty in the actual operation of the bill.

S. 86 and H. R. 2431 provide Federal funds for cloud seeding and other rainmaking research in drouth areas. It would depend entirely upon where you are whether you feel that it is laudable or not. I don't know how far cloud seeding has gotten as an approved practice.

One other thing which you will be interested in is H. R. 783 which proposes funds for studying the effect of insecticides and herbicides on fish and wildlife. The purpose is to prevent abuse from chemical spraying. Mr. Salyer is here, and it is possible that if any of you have a question, he may be able to answer on that. Since much of our spraying for control of halogeton and other undesirable plants is in the browsing area for wildlife, this will be reported favorably no doubt.

One of the things you have requested is a more flexible policy on turn-out dates. We feel that is a matter for local boards and Bureau personnel. It couldn't very well be set by policy because of the variations between areas, types of livestock, and seasonal conditions. Another thing you inquired about is the request of our field officers for more guidance on advisory board election procedures. We would like to get into that a little. Some districts have tried changes but clarification is evidently needed. Then we want to tell you about seed harvesting. As you know, the principal seed-producing areas had a rather tough time this year so it looked like there would be quite a shortage of grass seed. We happen to have some areas in Idaho and Nevada, that I know of, that had a favorable year for grass seed production. So, without any loss of grazing rights, some of our people took their livestock off at the proper time so that this seed could develop and we were able to harvest several million pounds on a share basis. We paid the operator of the machines by letting him have a share in the crop. We produced enough seed to cover our planned plantings in Idaho, Nevada and Wyoming for next year, but we did get criticized by one farm group which felt we were getting the government into business. We felt that when we were using our own seed on our own lands and we were helping to alleviate the shortage of grass seed, we were doing a good turn. Fortunately, we were able to contact these people and explain our position, and I think that almost everyone is in agreement that it was a good thing. I don't think that we expect to make a practice of it, but I visited with one of our district men out in Nevada near Winnemucca when they were actually harvesting and I don't believe there was any loss of grazing at all because, after the seed was taken out, those windrows that were left were the first thing that the livestock went through when they got back on the grazing. So, I don't think we lost any grazing at all by it. We were able to pick up, how many pounds of seed was it, Jerry, do you know? Mr. Kerr: I don't know. Director: Riley, do you know? Mr. Pierson: I think it was over a half million pounds in Idaho alone. Russ Penny said that 370,000 pounds can be supplied for Bureau of Land Management use in other States after Idaho's needs are met. Director: I know it was quite a lot of seed and I guess the persons who harvested this must of got about approximately the same amount. It was a 50-50 deal in most cases, wasn't it? Mr. Pierson: I doubt it if ever got that high. One I remember was 70-30, but there was a long haul involved.

Director: At any rate, so far as the market was concerned, it didn't make any appreciable difference, but it did help us quite a bit.

Now, once in a while, it seems necessary to make some minor change in the Range Code, and it's very difficult to wait until the next National Advisory Board Council meeting to put that into effect. We had an example this year. I said before that we had met with these gentlemen who are making loans to livestock men, and they wanted to have a search procedure on records which was worked out and which was also worked out for the State loaning agencies. Some of the Western States have endowment funds that can be loaned on livestock and ranching operations, and they objected to paying the fees for this search which was made by us. They do a lot of searching for us and, of course, they didn't budget for anything of that kind, and they thought it was an imposition for us to charge them, so we went ahead and made this change that would allow a

State loaning its endowment funds to be exempt from this small payment. It is $10 or something of that kind for a lien search. Those are the kind of things that it sometimes becomes necessary to put into effect. But we want to assure you that anything that has any real discussion value, that has any importance, will be carried through here to the Council just as we want to discuss the change in the Code of hearings with you before we take it out to the field.

We would like to report another study that was made during the past year by the Senate Interior and Insular Affairs Sub-committee and a committee known as the Chudoff Committee on Government Operations. They made a study out in the Northwest principally on forestry and almost exclusively, so far as we were concerned, on O&C lands. The committee came in and when they published their report, much to our surprise, they decided that foestry and other surface management functions exercised by the Bureau and the Forest Service should be combined under the supervision and management of the Forest Service. We didn't feel that they had actually taken enough information out of the hearings on that matter to give people the opportunity to make the decision on that. In other words, the recommendation was not based on the body of the hearing. You may be interested in getting copies of those hearings. It will supply reading for the whole summer, I am sure, and if you would like to get copies of it, our boys here can given you the numbers of the leaflets.

Now Mr. Brownfield brought up a question that I think will deserve some consideration as we go along, and that is the possibility of diverting water from the Great Lakes to some of these drouth ridden Southwestern areas which have wonderful climate, wonderful soil, but lack of moisture. I think it deserves consideration and discussion and, of course, Jerry Kerr, Riley Pierson, Jack Keith, and the other boys who are working in range management will be on the agenda. I think Max Bridge and Myrv Noble will be on the agenda with some phase of operations on the range, and the whole thing is tied pretty closely in with budget. Last year we fared pretty well. I think it's the first increase we have had in range management for quite some time, but we did get a reasonable increase in range management last year, principally because we had made a change in our grazing formula. We have requested a total authorization, including access road construction in O&C lands, this year of $29.3 million. The House reduced this by about $220,000 but we hope to get that restored. If so, we will get an increase of around $5 million. The biggest single requested increase, $701,600,000 is for Soil and Moisture which puts it pretty well up with our 20-year program. The next largest item is $435,00 for the management of grazing lands. Now, if this cut is not restored, Soil and Moisture and grazing lands will have to share some of this cut. The total amount asked for grazing purposes is $2.4 million and we are constantly asked over on the hill, "Is this self-sustaining? Is the amount you get from grazing enough to pay for the cost of administration?" Our answer is, yes. In fact, we have a surplus, if you don't take Soil and Moisture and halogeton control into consideration as range management. Actually, both of those have many ramifications besides just grazing administration. They are part of range management but not grazing administration. This fund, if we are fortunate enough to get it in total will provide funds for studies and surveys of the range resources on dependent properties. Much of the information we now have is obsolete, and we must get new data for proper determination of carrying capacities and grazing privileges.

Continuing cooperation with the Department of Agriculture will be stressed in the development of small watershed programs and soil conservation districts. Improvement of range vegetation and range management practices for halogeton control will be another major objective. We have these adjudications to do; we have to get our range down so that carrying capacity is pretty well in line. We want to encourage all of our users to build the range to its full capacity and of course reductions, in my opinion, are only one of the things that we should do. We have a lot of other things to do, but I think we are making real progress. We have a well-balanced program, and we feel that the local advisory boards, State boards, and this ouncil give us a great deal of assistance in managing these public lands. We want to thank you publicly for what you are doing for us and for your full cooperation and support. I think that's all I have, Mr. Brownfield, and I thank you for the opportunity of giving this report to you.

Brownfield: We thank you, Director. That's a wonderful report. I am hoping we all will get copies.

I think the best way that we can take this information back to the people at home is to get copies of the Director's report. Many of us have excerpts from his reports published in our local cattle and woolgrowers magazine, and I find as I go around over my State that they are mighty proud to read about it and have a lot of questions to ask about it. We don't meet all of our permittees in the period of a year and so taking this report back and having it edited in our local magazines is one of the best ways we can get information back to our permittees. I am sure, Mr. Director, that we are all very grateful to you for your help in holding the grazing fees at 15 cents for this year. It will help us a great deal. That brings up a question, should the decision be made at the local level or should we bother you with it on applications for non-payment of grazing fees or credit for the following year?

Director: The local range manager handles these applications.

Brownfield: Does he have the authority?

Director: He doesn't have the authority because the money has actually been turned in to the Area Administrator, but he makes the recommendation as to what percentage could be canceled or whether all of it should be.

Brownfield: There is a question of whether you would agree that it could be handled equally as well by the range manager or would you rather have it channeled up to you?

Director: Well, we don't think we would get quite the uniformity if it were handled individually. I would like to ask Jerry to comment on this, with your permission.

Kerr: Well, the Act prescribes that the Secretary may do it. Of course, many of the authorizations that are granted to the Secretary in the Taylor Act are and have been delegated by him to the Director and from the Director on down to the field people; but in this matter of refund or reduction in fees, we have felt all along that it was to the interest of the range manager if that responsibility was maintained here in the Director's Office. For that reason, the reqirement has been that the application for the refund or waiver or whatever it may be, will be made by the permittee to the range manager who then reports to his State Supervisor. Then it comes in here for review and approval of the action.

Brownfield: I brought it up for this reason. I think New Mexico suffered from the drouth about as much as any State, and I had this notation I would like to read, Mr. Director. Bureau of Land Management procedures now require rancher applications for refunds to be approved only by the Director. In drouth areas, the advisory board should recommend for their district whether refunds and credits are due because of drouth; then the district range manager should be in a position to approve the refunds and credits.

Director: I think it's a good point. I think we should take it up and discuss it.

Brownfield: I would like to ask that each and every member of the Council try and study these bills that have been introduced today. Before we leave, I think this is a gathering of representatives from the West who the Congress would like to have speak on these bills. We are not particularly working for the Department when we give voice to these bills; we are representing the home folks that the Congress would like to hear from, and I don't know any better group that could unite, and if we can unite and make recommendations on different bills that have been suggested here. So I hope that we will try to prepare ourselves before the end of this meeting, so that we can speak out on them. Are there any questions you would like to ask the Director?

## TURN-OUT DATES

Arrien: One question which I didn't quite get clear in the Director's statement is that he said some investigation was going to be made on more flexible turn-out dates. We think that's pretty much a local problem, and it's one you fellows and the local range manager can pretty well determine according to the reason and situation, and I don't think we would like to have uniformity, if it can be worked out locally.

Waddoups: We took that up in our State advisory meeting, and we were informed that prior dates had been either the 1st or 15th. Now it can be on a five-day basis, the 5th, 10th, 15th or 25th, and I think that's a big advantage because none of us know exactly when the turn-out date will be favorable to the range and livestock. So I think that was a clarification that was very fine, so far as Idaho is concerned. That is correct, isn't it?

Director: Yes, I think that's right.

Heaton: Will your billings be made in these different periods or will they still be the 1st and 15th of each month?

Kerr: On the new basis, it can be on the five-day interval on fees, just the same as on use.

Brownfield: If there are no other questions, we will take up the next subject. Mr. Kerr will discuss problems common to all Areas and States as affected by comments received from Council members and field offices. Jerry, we will be glad to hear from you.

## CURRENT PROBLEMS IN GRAZING ADMINISTRATION

Kerr: Mr. Brownfield and members of the Council, it's a real pleasure for me to meet with you again, as usual. There isn't anything that gives me as much of a lift in the job as having an opportunity to work with you members of the Council and with the advisory boards and the stockmen out in the range country.

The first topic that I am going to discuss with you was called to my attention by a number of stockmen at the American National Cattlegrowers Association Convention in Phoenix and then at the National Woolgrowers Convention in Las Vegas. It relates to management of the range. We are making progress in bringing our ranges under better management. There is no question about it. But we still have sore spots and these comments came from people who happen to be from the sore spot areas, where because of our failure up to this time to make the necessary adjudication of grazing privileges and adjustment in use down to grazing capacity, aggravated by one of the most critical drouth situations we have had in the West in a long time, the ranges are badly depleted and the plight of these stockmen is such that we should be doing something about it. They are more concerned that we require a general nonuse of the range by all of the users, and one unit was cited where for a period of at least five years we've known that the range was heavily overstocked and overobligated. There had been a voluntary reduction in use, but the range was still overstocked and was continuing to go down hill. At the advisory board meeting, it was called to the attention of the advisory board again. A number of the stockmen agreed to take nonuse in part, but there were others who insisted that they had to have use of the range to the full extent of their qualifications. In another instance, a sheepman told me of a situation on his lambing range which he felt sure should be given lighter use, and he was perfectly willing to reduce his use of the range except for the fact that it was used also by cattle users who, he felt, positively would not make a reduction in their use. If anything, if they were able to, they would increase the use.

Now we have in the regulation, section 161.6(e)(5) of the Code provision for a general reduction in use in case of depletion of the forage resource because of drouth, fire or some other cause. We have never applied that regulation. The question, of course, is whether we should. From the standpoint of the good of the range, there is no question but what we should be doing something about it. Probably, from the standpoint of the stockmen, while currently they feel that they simply must have that range, in the long run they might be materially better off if the range was given an opportunity to rest to some extent and recover naturally. You all know the kind of reaction we would get if in a grazing unit where there were 10, 15 or 20 users. We told them that because of the poor condition of the range, we had to reduce use by 10, 20, or 30 percent or something like that for the coming year. They would immediately take the matter up with their Congressmen; that is, those that felt that it was an unreasonable requirement, and the Congressman or the Senator, would write to the Secretary or to the Director and request justification for the action. Those things snowball, and they can be quite a problem, but I think that it is a situation we're confronted with it and we should do something about. I would like to have your reaction to it.

We have other situations. One was cited to us by a State Supervisor. The users in this area were urging no reduction in use be applied this year because of the serious reduction in livestock prices and increased cost in operations and drouth. So there are the two sides that you have to consider.

About 18 months ago, the representatives from Agricultural Research Service, who are working on the brucellosis control program, Mr. Cutler, and Dr. C. K. Mingle, called the Director and asked him if it wouldn't be possible for the Bureau of Land Management to give them some assistance and cooperation in the programs that they are conducting through the range States. They didn't go into any detail as to how we might be of assistance, but the mere fact that we were back of their program and that information was given out, would be of assistance to them. The Director agreed to serve on this committee. We sent word out to the field offices, Area, State and district, of the request from the Department of Agriculture for our cooperation and urged that they give whatever assistance they could to the program.

Last summer, one Board of County Commissioners in Colorado urged that we establish a quarantine on one outfit because apparently they wouldn't enter into the control program. Our action was to deny them license on the range. Well, the Taylor Act, section 16, provides that "nothing in this Act shall be construed as restricting the respective States from enforcing any and all statutes enacted for police regulation, nor shall the police power of the respective States be impaired or restricted, and all laws heretofore enacted by the respective States, or that may hereafter be enacted as regarding public health or public welfare, shall at all times be in full force and effect." On the basis of that provision in the Act, the only conclusion that we could reach was that we did not have authority to establish a quarantine on public land unless it was in aid of a public law established by the State for the health and welfare of the local State. We declined, therefore, with regret, to go on with the County Commissioners' request. Here, again, just recently a veterinarian in one of the towns in Idaho was putting pressure on our people to refuse to issue licenses to one or more outfits, and we were unable to go along with that for the same reason because neither in Colorado nor in Idaho do they have a State livestock sanitary law which provides for the quarantine of a range for any specific purpose.

We will find in the kit a statement of policy which was sent out to field offices with respect to the eradication of brucellosis in domestic livestock. Where the State has its own sanitary law and can quarantine an area, we are in a position to go along with them and offer full cooperation. But where they do not have it, we aren't able to establish one for them.

Another problem resulted from applications for nonuse based on participation in the Soil Bank program. The permittees in point had placed part or all of their crop land in the Soil Bank reserve and because of that I suppose, also proposed reducing their numbers of livestock. We have no authority under our regulations to authorize nonuse for that reason. We do have a provision in the Code which provides for the granting of nonuse for three specific purposes. One is for conservation of the Federal range. We issued another statement of policy which is a little nebulous in that there are a number of amendments to the Soil Bank Act that have been offered. Undoubtedly the Act will be amended this year and it may be necessary for us to change our position, but we felt that this statement of policy which is also in your kit will take care of the situation at least temporarily. We felt that nonuse could be granted for conservation purposes on any of our land to good advantage and that it was a desirable and necessary action. Now nonuse should be in line, or the reduction of use, should be in line with the reduction in the base property that supports that license. If you took off 50 percent of your base property, then the reduction in use should be at least 50 percent or more if one cares to reduce one's nonuse beyond that point.

Now, our trespass control program. We have a number of problems connected with this. We have two cases in which stockmen were cited before a hearings examiner. We didn't fare very well primarily because our cases were inadequately prepared, or, in one case we didn't follow the proper procedure. Our range managers and all of us in the Bureau must recognize that the regulations governing the administration of grazing apply equally to the Bureau people as to the stockmen. If a stockman is limited in his activity by a regulation, then we are also limited to some extent. There are some changes in the trespass regulations that are desirable, more from the standpoint of clarification. There is need for revisions of our trespass forms. We are going to have a meeting in April where there will be representatives from the various States, Areas and districts at which we hope to be able to thrash out some of the problems that we have in connection with the trespass procedures. Especially the application of those regulations that apply to removal of horses. We had one Indian case, you may recall, out in the West that made us all a little bit skittish about messing with horses. So we are going a little easy on that. It's something we are going to have to take care of because in most cases these trespass horses are out there the year around, and they take up an awful lot of feed in some of our units. They should be eliminated.

Another question has been raised in Montana in connection with an investigation made by a member of the Department in charges against one of our men. The point was raised that these people who had been in trespass had tentatively arranged to have their livestock grazed under the permit of one of our permittees. The permittee had been warned that he could not do that. In the first place, the livestock didn't belong to him. He made no claim to ownership of them, and the policy had been followed regularly throughout the years in the land base States, particularly that the permittee must have a substantial claim of ownership in the livestock that he operates under his basic permit. The investigator was unable to find anything in the regulation to substantiate that information. Some years ago, the point was raised and one of our regional counsels at that time went into the question quite thoroughly. He pointed out that section 3 of the Taylor Act provides that "the

Secretary of the Interior is authorized to issue or cause to be issued permits to graze livestock on such grazing districts to such bona fide settlers, residents, and other stock owners, as under his rules and regulations are entitled to participate in the use of the range." There is a further provision in the first section of the Code for the protection and the stabilization of livestock units which are firmly established and that are well recognized as being entitled to the use of the range. We also have a lot of people sitting on the outside who have never been able to qualify for grazing privileges, who do have ranches; who do have livestock. They would love to get some of this range, and we have to take that into consideration as well. Now this matter of ownership of livestock is taken up in the proposed revision of the Code. We will undoubtedly get into some discussion of this later.

I wanted to mention just briefly the requirement in the Range Code for the preservation of forage for maintenance of a reasonable number of big game. That provision hasn't been too well applied, nor very realistically. In most districts we have set aside a certain percent of grazing capacity--depending on the number of wildlife that are in the district--and hoped that would take care of it. As a matter of fact, of course, the wildlife isn't distributed evenly over the area. Ordinarily it's grouped up in a bunch in this unit, and then a bunch in another unit so that we just about have to make this provision by units and in accordance with the game population that is there. As they adjudicate the grazing privileges in the unit, the question of how much game there is and how much of the forage is necessary for them is worked out and decided upon before the grazing privileges are adjudicated to the stockmen.

We have prepared a number of revisions. Copies of these are included and we will take them up later. One of them is on parallel land; base property we will cover separately, and I mentioned the ownership of livestock. There will be others as we go along. Thank you very much for giving me the time to talk with the board again.

Brownfield: Thank you, Jerry. Are there any questions?

## ALLOTMENTS

Waddoups: On the adjudication of these ranges, in your opinion, Jerry, isn't it a better program for the administration and the livestockman to have an individual allotment, rather than group allotment? My position is that individual allotments where feasible are better, for the individual will take much better care of the range than he will where you have group allotments.

Kerr: I think you are definitely right. The situation in Arizona and in New Mexico proves the point. Those ranges have been allotted almost from the beginning, and I believe the tremendous benefit from individual allotments has been well demonstrated there. We have established individual allotments in many ranges in the North also. One sheepman, Tracy Wright, from Utah, who has been a board member on one of our boards there at Fillmore told me that he had an individual allotment now, and he said, "Jerry. I never did realize how much benefit there was to a stockman to have his own range. If I don't want to go on it as early as usual, I can stay off. If I have a surplus of range, I may stay on it a little longer in the spring or I might go on earlier in the fall. But I can manage it just the same as I would my own land and it is sure well worth-while."

## REDUCTIONS - SOIL BANK

Brownfield: Jerry. That raises a question on a point you raised that reduction of base property in proportion to reduction of livestock or vice versa. Let us assume in New Mexico where we are all on individual allotments and that part of the base property happens to be State leased land and through no fault of the lessee, part of that land gets away from him. Yet, the full amount of the Federal land remains. Are you going to propose to reduce his carrying capacity in proportion to the loss of his base property there?

Kerr: No, Mr. Brownfield, because the grazing privileges there are allocated on the basis of his ownership and control of water. The land that he owned within his allotted area was given no particular consideration. That is, it had no bearing whatever on the grazing privileges that were granted to him.

Lee: Going back to that Soil Bank business, you stated that where a man takes out a certain portion of his land to go under the Soil Bank you give him a reduction in proportionate amount. The way our feeling is is that he should lose his rights completely. Now you take a sheep man who would be receiving pay from the Federal Government to reduce his sheep and on the sheep incentive program, he is receiving pay from the Government to increase the numbers, you see, till we get wool up to 3 hundred million pounds. Now then, when you dispose of your lease or when that goes under the Soil Bank, you have lost all rights.

The contracts are terrible, and we feel that when a man does that, he loses his rights. Otherwise you are giving a man deferred grazing to where he can build himself up and put himself into commercial business selling those leases when his contract is over. We don't think in New Mexico that you can have proper management of the rest of the range where you are letting people get paid to take it out and that the control of that range should remain in the Department and before the board--not in another department--which would be the Department of Agriculture.

Kerr: Frankly, Mr. Lee, that's a slant I hadn't considered at all. When we worked out this policy statement, we were thinking primarily of the assistance we could give anyone who was going along with the Soil Bank program and who was a regular user of ours and if it would assist him and at the same time be a benefit to the range, we shouldn't be opposed to it.

## NONUSE

Lee: Well, that would be a very temporary attitude to take. Of course everyone wants to help us all, and I think we in New Mexico probably are as bad in the drouth as anyone else in the United States. Nevertheless, you are striking at a very fundamental thing here. You are allowing people to be paid for one way, for not grazing; to be paid for another way, to increase their numbers, and you are allowing them to take away their base property for even 10 or 15 years and giving them a permanent deferment which, under our rules, only allows 3 years, our maximum deferred use under our Code.

Kerr: Well, you can if the range is still in such condition that further nonuse is necessary. It can be allowed to go on almost indefinitely, Floyd, but the primary rule is two years.

Lee: When a man goes and signs up for 10 or 15 years, he is deliberately breaking the Code, so I am going to make an appeal from your decision to the Director.

Heaton: I understood that your nonuse is not limited to three years, providing that it was justifiably deferred. That the failure to use for three years disqualifies you, but you may get nonuse so long as that nonuse could be jusitifed.

Kerr: I would like to make a point here. George Douglas from Arizona raised it when I attended their State advisory board meeting. Too many of our stockman users of the range don't understand the Code and we don't do the job that we should be doing in explaining it. There are people who feel this nonuse provision is just as dangerous as can be. They have had experience with other agencies. They have had their permits reduced, in some cases canceled, because of nonuse and in spite of the saving clauses that we have inserted in our regulations, they are still suspicious or skeptical. They don't want to take advantage of it.

Stringham, Utah: Jerry, before you leave, might I say a word? Our advisory board always meets just prior to this one and they tell us what to do when we come here. May I take time to read just a short resolution on this theme we are just talking about? This came from a cattle association, not sheep. It says: "Be it resolved by the Utah State

Advisory Board Council members that the following resolution be forwarded to the Secretary of the Interior, the Director of the Bureau of Land Management and the four Congressional members from Utah:

> "Whereas, in view of the present critical condition of the livestock industry and the acute need for protection and conservation of the range land resources of the Western States, it is recommended that you use such powers, and authority and means at your disposal to immediately expand the deferred grazing program on private range lands now in operation on a limited basis through the various State and county agricultural stabilization and conservation committees by broadening the areas of participation to include all counties and increasing limitations on the overall payments an applicant can receive to a point where it is economically feasible for the average size livestock producer to participate." "

I so move that this board adopt that resolution.

Brownfield: This resolution is directed at fee lands, is it not?

Stringham: Yes, sir.

Brownfield: How can the Bureau of Land Management take cognizance of it?

Stringham: All I want is the attitude of this board to take back to my board. Do you agree with this?

Lee: Mr. Chairman. The Soil Bank is not for protection of land or soil that comes under it. It is a device made so as to regulate crops that are in production and in regulating the amount of crops which will control the price that the man receives. They do defer the land from crops; but it isn't a thing like we are set up for under this board to protect and properly utilize the range and stabilize the business. I don't think it comes under us at all.

Brownfield: Mr. Stringham. I didn't hear a second to your motion.

Lee: I ask that he defer it until our business session, when we come to resolutions.

Brownfield: I believe the Director has an announcement.

Director: I think you will all be interested, as I was, in hearing the White House announcement just two minutes ago that Mr. Chilson, who has been our Assistant Secretary, has been appointed Under Secretary of the Department of the Interior. I am sure you are all as pleased as I am because he is a wonderful fellow. The only regret I have is that he will not be in direct charge of the Bureau of Indian Affairs, Office of Territories, National Parks and the Bureau of Land Management, but he is a wonderful fellow, and I am glad for him.

Tuesday, P. M., February 26

Brownfield: I see we have arrived at the time for fixing the agenda for the afternoon session. I believe the first thing on the agenda is another report from Mr. Kerr on base property requirements, parallel use, year-long operations, and definitions. Jerry, we will be glad to hear from you.

Kerr: Thank you, Mr. Chairman.

Brownfield: Just a minute. Mr. Don Frederickson from Gooding is unofficially representing Mr. Vaught. I would like to introduce you.

Frederickson: Milford wanted me to express his regrets about not being here. Day before yesterday, they were working with some cattle, had a bull in the chute, and somehow or other he broke the lever and it came up and hit his foreman under the chin, broke his jaw, and knocked out his teeth. Milford just couldn't leave without somebody to turn it over to and he was very sorry he couldn't come.

Brownfield: We are very glad you could.

## BASE PROPERTY REQUIREMENT

Kerr: On the requirement of base property, there is that minimum requirement set up in section 161.4 of the Code and pursuant to that regulation, all of the districts have established these minimum base property requirements. In some districts there may be more than one; a different requirement in one unit than others; but generally speaking, the requirement is district-wide. Then, in addition to that, the range manager with the advice of the advisory boards has established the maximum season which the Federal range in the district may be used. Frequently the base property requirement, together with the maximum season of use of the Federal range will be equivalent to 12 months. But that isn't always the case. Often there is a gap of a month or 2 months between the total of base plus Federal range use when supplemental forage supplies are used. It has been suggested that because of drouth conditions, some modification of the base property requirements should be made. To accomplish this it was proposed that a special rule be adopted to take care of the situation. I see no reason for a special rule in such cases. It is merely a matter of a recommendation by the advisory board and adoption of it by the range manager. It should be carefully noted, a record kept of it in the minutes of the advisory board meeting, and there should be also good justification for whatever action is being taken. Now are there any questions? Bill Garrison.

Garrison: We had a problem up in our country in some of those high mountain valleys. Just when this thing was set up, those fellows were cutting hay up there. This went on and they wanted to change that operation to where they need not feed that hay in the winter up in that high snow valley. They want to eat it all off in the summer and, under the Code, our range managers have refused. Remember, we had this up here several years ago, and we felt we could go ahead and do it at the local level. We fought that one through all right, but it came up again. It comes up every year, and the range manager says he can't see it in the Code. Now, why couldn't we have a special rule in there somewhere to take care of that? Here is a resolution that was passed at our local district 5 board. I'll read that to you and maybe it will give you the thinking on that.

> "Whereas there exists a depressed and critical condition in the livestock industry caused by high operating costs, falling livestock prices, drouth; and whereas Montana District 5 has been set up on a six-month base property requirement basis, and whereas the Federal Range Code 161.6(e)(1) and 161.6(e)(7) requires substantial use of the base property in a year-round livestock operation, accordingly the advisory board of Montana District 5, assembled in meeting February 15, 1957, recommends to the Bureau of Land Management that pursuant to 161.16 of the Federal Range Code a special rule be approved for Montana District 5 permitting adjustments in livestock operations necessitated by the reasons stated above by liberalizing the base property requirements cited above in a manner that permits substantial use of base properties in conjunction with use of the Federal range for less than a 10-year period."

In other words now, you say you can do that with the local boards. This example up there happens to be a board member. The local board has nothing to do with this application.

Kerr: How are they going to change the operation, Bill? They have been using this base land to produce hay, but evidently they have fed their stuff in the winter and then used Federal range in the summer.

Garrison: In this particular operation, the man had a hay ranch down in the lower valley, and he also had this hay ranch at about 7 or 8 thousand feet elevation--the snow gets three to four feet deep up there in the winter. At that time, when he was set up, he was putting hay up there and then he quit putting up hay. He hasn't put any up for a number of years. He sold his ranch down in the valley, and he still wants to retain his rights there and go up and eat that grass off instead of putting it up in a haystack in six months. That hay meadow is still there; it is potentially still there. He can put it up if he wants to, but he wants to graze it all.

Kerr: Where does he take his stuff during the winter?

O'Connell: Jerry, maybe I can explain it. He wants to change from a cow and calf to a steer basis. He runs those steers out there on the grass and sells them all in the fall and buys again in the spring and restocks. Now he hasn't changed the physical condition of that range but he will run more steers than he could ever run cows and calves and he will feed that feed in six months in place of taking a year to do it under the former system.

Kerr: But your other users--how are they going to be affected? What's their reaction?

O'Connell: He is on an individual allotment.

Kerr: Well, even so, anyone else that is in the same boat that has some class 2 land would like awfully well to have a grazing permit tied to it.

O'Connell: There isn't public domain up there enough to give the class 1 applicants 60 percent of what they are commensurate for.

Garrison: Everybody has all the commensurability in the world.

Hay: Well, Jerry, I don't see any problem on that. It doesn't make a bit of difference if a fellow cuts his crop with machinery or lets his cattle do it. The use is the same. He is applying beneficial use to his land. I think the board could allow it.

Kerr: There is the tie between the use of the Federal range and the base that I don't get.

Hay: He says it's an individual allotment. Let a steer graze it rather than a cow or calf. I don't see any problem.

Waddoups: Well, let's put it his way, John. The range manager says because the Code says he has got to operate this on a year-long basis, he can't license it that way. He has got to put up that hay and operate it for 12 months to comply with the Code.

Hay: He is using the production of his land to a beneficial use. That's all he has to do. I mean, I don't see any problem with that.

Kerr: He has to make beneficial use of the Federal range, too, John.

Hay: He's doing that.

Christensen: We in northern California probably have more of those type users than we have the old type user and it's been complicated by transportation. The old theory of adjacent range doesn't seem to apply any more; those fellow transport their stock from the valleys back to the range in the winter, and I don't know who is going to say it's not adjacent because it is now.

Waddoups: This man sold his commensurate property, as I understand it.

Garrison: No. He sold his lower ranch. Whether that was base I don't know.

Waddoups: If that was base property then, of course, you lose your rights. His lower ranch was not base property?

Garrison: This place that he retained was the base property for a particularly small amount of grazing land we have got up there. Another matter. The man probably owned 20,000 acres and a small percent of public doman was used with it. I think he furnishes the water for the public domain for that matter.

Kerr: He is continuing to make substantial use of his base property. Is that right?

Garrison: Absolutely. He wants the right to do it in six months instead of 12 months. However, under the present status, the range manager said that in order to keep that grazing permit on that Federal land, he has to go and put up that hay and winter those cattle. He doesn't want to do it and I don't blame him.

Kerr: Well, of course we still have the requirement in the Code for a 12-month operation. Mr. Tudor, Solicitor's Office, please stand up.

Tudor: I have been listening with interest to this problem. It seems to me we still have that 12-month requirement in there and perhaps a special rule will solve it. I certainly wouldn't want to rule on a question like that without the advisory board special rule situation, as long as we've got our 12-month requirement. Apparently here you don't have a 12-month operation. You have got a gap there. I don't know how you fill in the gap, but what I would recommend is a special rule.

Hay: Joe, you don't need a special rule for that; it's a very simple operation. You are confusing the issue. The way they crop the land is all that is material. This man produced a crop and kept his cattle off it while the crop was growing and then he brought the cattle in afterwards and fed them that crop. Instead of letting his crop grow to maturity and cropping it, he puts his cattle in there and they feed that crop off. He has enough cattle to feed it off at the time, and he uses the adjacent Federal range in the operation. It doesn't make a bit of difference. He is still using his land. He is making the maximum use of the base and of his public domain. He has altered his method of doing it, but he hasn't changed his practice.

Tudor: Well, as I understood it, he sells off in the winter and buys new stock in the spring.

Lee: He changes from a cow to a steer operation.

Hay: He still has so many animals on there.

Waddoups: Well, I wouldn't say the man was even going to do that. He might want to take those cattle down into the valley and buy some hay. It could be the same thing.

Hay: This thing has to be elastic enough, Jerry, so that the property can be used to fit the economics of the situation. I don't see a hard, fast proposition there. A lot of us are doing the same thing.

Garrison: I really believe this doesn't apply only to us. It applies to high mountain valleys of Wyoming, Colorado and California. Wherever you have these high hay meadow valleys, I think we ought to try and get a special rule some way that we can lay down in front of these range managers.

Hay: Well, Bill, you don't oppose the practice, do you?

Garrison: No, we are one hundred percent for the practice, but as long as the Code says a yearlong operation, we can't get our local range managers to operate on it.

Tudor: What you've got is the equivalent of a 12-months' operation.

Brownfield: I think that the Director would like to straighten you out. I agree with you so thoroughly that I want you to tell them about it.

Director: Actually, I don't see the difference in the operation. It's still year around; the ranch is there. If he feeds double the amount of livestock in the summer, he puts part of them on the range and part of them on the ranch. He ~~doesn't have any there in~~ the winter time. It's still a year-around operation in spite of the fact that there isn't anything being fed there in the winter. He is utilizing his range in the summer, he is utilizing his ranch. I wouldn't think that we would need anything except to just apply a good common sense practice to it.

Brownfield: I think we can go on to the next item. Did you want a word, Mr. O'Connell?

O'Connell: I think since you have approved the parallel use land as base property, the sheepmen provide a very good example in these parallel use land States now. They use their base property in the summer and in the winter time they have to buy three to four months' feed, so if you don't consider a purchase of feed as a stable operation, they are under the gun also because there is no one set source they buy the feed from but, still, if you are going to restrict them from that type of operation, you are also going to hinder the sheepmen.

Kerr: Will you look at the statement about half-way down through these exhibits, subject "Interpretation of year-round operations"?

Hay: We all agreed to it three years ago. There was a hearing somewhere out in Utah that established a man to do that.

Kerr: May I read this? "The interpretation of the subject provision and a definition of what constitutes a year-round operation for a certain number of livestock has been the subject of a great deal of discussion and argument, particularly in the land-base States. There is little difficulty in connection with the water-base areas. In yearlong operations there are specified periods that are covered by use of the Federal range within the approved grazing season, the use of base properties, and the use of supplementary forage supplies, such as forest permits. This takes care of most cases. There are the exceptional cases in the Big Horn Basin and in Idaho where the stockmen permittees, principally sheepmen, fill in part of the year with purchased pasture of one kind or another. The difficulty arises in connection with those of this group who obtain this type of supplemental feed from different sources from year to year. The application of common sense is probably the best means of resolving this question. Where the livestock operation is otherwise thoroughly stable and the practice is followed year after year of acquiring one, two or three months forage supply from different sources, such an operation should be stable and permanent enough to conform to the year-round opeation of the Code." That was signed by the Acting Director. I think that pretty well answers the question. This changing to a steer from a cow-calf operation does result in some alteration of the pattern of use. There is no question about it. It would seem to me that, as the Director pointed out, you are making double use, that is the double number of livestock are being operated in that area during the six-months' season rather than the 12 months. Now there is a provision in the Code (161.6(b)(2)) which authorizes such action. That adjustment can be made a different season of use than that set up in the regulation is desirable from the standpoint of the permittee and it can be authorized if it does not interfere or harm other operators. It can be done without any questions; but in this instance the one question that might gum the thing up would be this matter of what is a year-round operation. There is an individual allotment, as Bill Garrison says. You could authorize that type of use of it without interfering at all. He is using his base property, and we will assume not making adverse or improper use of the Federal range, so what is the harm, if any? Frank?

O'Connell: I would like to state this. That the requirements in District 5 were to have a six months' setup. They were all set up the same way. He could move in on his home ranch and feed his stuff for six months. No. 5 is the only district in the 10 Western States with that requirement. There isn't another district in Montana that requires a six months' base, and it was originally set up because these were all big hay ranches when the district was organized. The stock industry like everything else changes, and it looks to those people now that the steer business has certain advantages. Instead of putting up the hay, they pasture it with their cattle. Now they haven't changed the physical condition of that range. He owns those same meadows. Every year he can start putting up that hay again if he wanted to siwtch back to the cow and calf proposition. We brought this same question up before this board two years ago, and they said that is a local question, take it back and settle it there, but it wasn't settled. They said that the Council can, in connection with the district administered, make that rule. We haven't been able to get anywhere. We are going to have to have a direct letter from you here in Washington to our district administrators, saying that we can do those things or we aren't going to get them done. I know that the requirements in District 5 are stiffer than they are in any other district in Montana. Some of them have a three months' base and some of them have a four months. Some of them run practically on grass all the time, but we haven't got anywhere with our local district manager. He says I can't find it in the Code and that's that.

Kerr: Well, Mr. O'Connell, in view of the attitude of the district range manager and also taking into consideration the counsel of the Solicitor's Office, it might be a good idea for you to submit a special rule. Now all you have to do is send it through your State Supervisor, and it will come up here, and we will consider it.

Hay: Well, Mr. Kerr, in reference to what Frank has just stated, at that time I thought we resolved the issue and Bob Morgan was instructed to give your district the formal part of it. As I remember, Joe, you were here working on page 6 of the Code (that's section 2 under 161.6.) I think at that time you stated that was broad enough to take care of it. It says: "Any licensee or permittee who desires to use the Federal range for a period or periods other than as authorized by his license or permit may upon written approval of the range manager be allowed to use the amount of his authorized grazing privileges during any period of time for which the Federal range is classified as proper for use,"and so forth. Isn't that the way you cleared that up before?

Tudor: No. I think what you are talking about is the base property. Not about the range. You can change your period of use on the Federal range, but you are talking basically about your change of use in the base property. I think, Jerry, that perhaps you can get around this by incorporating in your definition of the year-round operation this particular situation which is apparently widespread, so that this is taken care of. The manager is quite right. He doesn't find anything in the Code at the present time to authorize him to approve this type of operation. If we put it in the Code, we've got it, and there will be no problem.

Kerr: Well, we had a somewhat different case come up two years ago where a man was buying lambs in the fall, running them on the Federal range during the winter and selling the yearlings in the spring. We turned that down but, for the reason that he wasn't making any use of his base property, an entirely different situation.

Garrison: Jerry, can I ask you this question? Say I am a neighbor of Frank and Joe here and Joe has sold his cow and calf herd, and he has always worked the other way where he fed it out in the winter. Now he is on a steer basis and he buys his steers in the spring, takes them up and uses that grass and sells them in the fall when they are fat. Then I come in and say I want that range, that he is in the speculating business; not in the ranching business. What's your answer? I think that's the root of it where you are going to have to protect yourself. You have got to protect yourself on that very thing, and that to me is the root of the whole trouble.

McKnight: Would his base property lose dependency on public domain?

Kerr: No. He is using it.

McKnight: Well. But he can get along without public domain for a year-long operation?

Kerr: I judge not, Stan. From the way Bill described it, the Federal range is situated right in the vicinity of the meadow and it's grazed along with the meadow at the same season.

McKnight: Well, all he would have to do is just cut off the number on public domain, and he would have as good a year-around operation as he has now.

Kerr: Reduced in number.

McKnight: Reduced in number.

Seely: I wonder if we are not overlooking the point here, Jerry. As I recall, Montana 5 is one of the few districts which has the parallel use rule. They don't recognize parallel lands. Now, either what they are trying to do now on their special use rule is not to recognize parallel lands in conflict with this. Parallel lands are those that are used during the period of grazing. I don't know just what definition they had in Montana 5, but it is my impression that Montana 5 is one of the districts that adopted a rule at the beginning on which they wouldn't recognize parallel lands used in connection with his range operations. It seems to me they can't have both rules, either by units or some other way. Now, if that's not the case or if I am wrong, I stand to be corrected.

Kerr: I think you are right, Chesley.

Brownfield: Sitting here visiting with the Director, we've agreed there is no difference between a year-round operation and an operation in AUMs that equals a year-round, and he has suggested that you may have a special rule or a memorandum to the various districts if it will do what you are trying to accomplish. Which is your preference? The Chair will entertain a motion for a special rule or a memorandum issued by the Director.

Hay: I move, Mr. Chairman, that the Director write a memorandum because that's so prompt, and it will go right out and settle the problem.

Brownfield: Is there a second?

Garrison: I second it.

Brownfield: Is there any discussion? Are you ready for the question? Those in favor say "aye". It's carried, Mr. Director.

## PARALLEL USE LANDS

Kerr: Well, we have hit on base property requirements and year-long operations; now, the next is parallel use lands. The first amendment to the Code is the one on parallel use. In these proposed amendments we stated the reason for the amendment to the regulation and followed that with the proposed amendment.

It is an amendment to the definition of base property. We have pointed out the difference in the base properties that have been recognized, and I might embroider that statement to some extent. After the '38 Code was adopted, there immediately arose a question of whether it was desirable to recognize all privately owned land including land grazed at the same time as the Federal range as base property--or whether the land base requirements should be restricted to ranch land which supported the livestock when the Federal range was closed to grazing. There are hundreds of thousands of acres of parallel lands, principally railroad checkerboard land, through southern Wyoming, northeast Utah, from the northeastern part of Nevada to the Truckee Valley and on the Northern Pacific grant in Montana. The usual practice of owners of the private lands or those in control of them is to graze them along with the intervening Federal range. Some of our most stable livestock operations in those areas depend on these parallel lands. Not to recognize them as base would have disrupted the entire livestock industries in those areas. So, after endless discussion and argument with Mr. Carpenter and others, we came up with the general agreement that in those districts in which the base property situation and the livestock economy dictated the need for it, the range manager and the advisory board would formulate a resolution setting forth the requirement that only owned ranch and range properties would be recognized as base property that supported the permitted livestock when the Federal range was closed to grazing.

Pursuant to that the advisory board and range manager in Utah District 1, all of the grazing districts in Oregon and Montana District 5 adopted resolutions confining or limiting base property to ranch and range property, used at a different season than the Federal range. In other words, parallel lands have never been recognized as base property in these districts. The other districts, on the contrary, have consistently recognized as base property land having the necessary attribute of priority as a part of a continuing and stable livestock operation. They recognize these parallel lands as base property. So the proposed addition to the change in the Code is down at the bottom of page 2 of the Code revisions. It says, after sentence ending "now part of the Federal range", top of page 3, left column of the Range Code: "such land may be (a) parallel land, that is, land of the same character, interspersed with and grazed at the same time as the Federal range on which grazing privileges are granted, (b) land of different character than the Federal range which properly supports the permitted livestock during all or part of the period that the Federal range is closed to grazing, or (c) a combination of these two types of lands." Then, there was a footnote proposed which reads "If conditions in a district so warrant it the base property requirement may be restricted to one type of land by special rule under section 161.16." I am not too sure, Joe, whether that footnote is essential.

Tudor: You haven't take care of the existing exceptions in Utah District 1, Montana 5 and Oregon. I assume that those Areas will want to continue as they have. In the footnote you might mention that in these districts the parallel use rule would not apply or, rather, the prohibition of parallel lands has been recognized, whichever way you phrase it.

Kerr: Then, there wouldn't be any necessity for a special rule?

Tudor: No. If any other district wanted to get into the same situation, they would come under special rule. I think we ought to spell out, in order not to upset the situation in these districts, we ought to spell out the exceptions in the footnote. That also solves the problem where some of these districts did not do it by special rule but actually by action of the boards other than valid special rule under procedures spelled out in the Code, and you remember you had some challenges to it. If the Secretary recognizes it in the footnote (and I am hoping there would be no problem on that), then those districts would be made retroactive by the recognition.

Kerr: Thank you, Joe.

Strosnider: Well, now that is covered, isn't it, Jerry, under this, what area we have under that rule?

Kerr: Yes, Fred. I felt that we had to firm up the actions that had been taken by the advisory board and range manager. I think it is perfectly sound and well justified, but, under the present rules, if a question had been raised in hearing as to the propriety of recognizing parallel land under the regulations as they now are and as they have been, I am afraid it would be upset, and we simply couldn't afford to have that. That's the reason for the change in the regulation as proposed. I believe that takes care of the situation. We will change this footnote as suggested by Mr. Tudor, and I believe that will wind this hassle up once and for all. Mr. Chairman, that's the end of my report for the present at least.

Brownfield: Thank you, Jerry. Does anyone have any questions to ask Jerry, or do you make any objections to the proposed change to the Code?

Hay: When will this proposed change be effective, Jerry?

Kerr: We should follow the same procedure with these changes as I think that is something we might have a recommendation from the Council members on. My own thinking on it was that we would follow the same procedures we have in the past. After recommending the proposals to you, then we send them out to the grazing districts, and that is going to be a long process. As you know, it takes a year or more to get consideration by the advisory boards because of the way the district board meetings are scheduled.

Hay: Well, I am going to make a suggestion, Jerry. In view of the fact that this has been a subject at every Council meeting we have held and it has been debated in all the districts, and we have been anticipating this rule each time, I think everybody is fully informed and cognizant of the situation. I am going to recommend that this special land use rule be put into effect immediately. Everybody is aware of it and we have been expecting it for years. I think we should have it. I don't think it should be delayed any longer because you are making decisions every day and there is a conflict. I think it should be resolved. Mr. Chairman, if a motion is in order, I would like to move that the proposed Code changes to 161.2(k)(1) and 2(k)(3) as proposed by Mr. Kerr be approved and immediately become a part of the Range Code.

Waddoups: I second the motion.

Brownfield: Any discussion?

Waddoups: Mr. Chairman, in seconding this motion, we have taken this into consideration in our advisory boards throughout Idaho. We have also taken it up at our Advisory Council State organization, and it has been approved as far as Idaho is concerned. There is no objection whatever to the motion, and I think it should be done.

Arrien, Oregon: Mr. Chairman, I don't know how District 5 of Montana feels or how District 1 of Utah feels, but in Mr. Kerr's statement that it will be settled once and for all, I don't know for sure. I have asked a few of these gentlemen of 1936 who initiated that rule in Oregon why they did it, and they told me I just did not understand the implications and they themselves today do not quite agree with the policy we have on this.

Brownfield: Do you think this will help solve it?

Arrien: I would say that this is a good rule and it should be put into effect, which will take care of these other States, but I am not saying all is well in Oregon.

Brownfield: I think we can anticipate from time to time some changes even yet. Are you ready for the question? Joe, did you have something you wanted to say?

Tudor: Yes, I want to issue a word of caution. John Hay proposed that the Board act on this problem and make its recommendation, that the regulation be issued and that it be made immediately effective. What you are doing is circumventing the authority of the local district boards. The prosposal generally has been discussed for a number of years, but the specific language of the regulation has not been presented to the advisory board and it is my feeling that the problem, though it may take another year, should go through the regular procedure of being presented to each district board for such changes or such consideration as it may give and then the final will come through the Secretary's Office. But, as has already been pointed out, some of the boards may disagree or some of the districts may have other thoughts on the problem or may have variations to add to it. In my mind, it will make for more difficulty rather than less if you have the board here now approve it or now pass the regulation for immediate action. I don't think it is advisable.

Hay: Mr. Chairman, I'll yield to Joe on that because his counsel has been excellent and I know he means it, and I think maybe that's proper. My thinking was that it would be implemented at once, but I'll yield to Joe on that. There is one question, Mr. Kerr. Mr. Grieve just raised a question, Joe, and I want to direct this to you. He states that in his Area the hearings officer has made some rulings on this, and he is wondering if this would become part of the Code if that would alter the decisions of the hearings officer.

Tudor: For the future, yes.

Hay: How about the past? Would it be retroactive?

Tudor: Not on decisions that have already become final and taken effect. You have got a new rule, or what amounts to a new rule, by putting it into the Code.

Jensen: That's the reason why we need fast action on this rule. Because the hearings examiner is making decisions every day on these cases. He is quoting the Fine Sheep Company and other cases that are peculiar to Oregon and are not peculiar to the State of Wyoming or Montana, and some of the other rules. So, if this decision could be put in effect immediately, it would greatly help the land base States that have honored parallel lands. Most of the recommendation has been discussed with the local boards. The motion last year stated that we would work on this parallel lands problem, and we have gone a year and we should get something as fast as we can on this. I think for Montana 5 you passed a motion concerning this parallel land use, but there was no special rule put through that I know of for your districts on that parallel land problem.

Grieve: I think it has already been discussed by the local boards and taken to the State Boards. In the State of Wyoming, anyway, it has.

Kerr: I have suggested to Mr. Brownfield that the proposed changes are not at all voluminous. There are just a few of them, and I would like to get the counsel of the Area Range and Forestry Officers and the Area Administrators about the possibility of expediting consideration of these proposed changes if we get them out to the districts in the next week or ten days.

Seely: Mr. Chairman. I wonder if we are making a change here. I think we are justifying what we have been doing in most instances at a time when someone gets hold of some case that doesn't apply, as Cy has said. I think we are just continuing what we have been doing over the years. Like Cy has said here, the hearings examiner has made some decisions in areas where it wasn't intended that parallel land rules apply. Now that's the only objection I see to delaying action on it, but insofar as getting it approved, I think we should get it approved within thirty days time, as far as the boards in Area 2 are concerned.

Kerr: Lee, what do you think up in Area 1?

Nadeau: Oh, we should be able to do it quicker than that. We have only got half as many boards. I think we could, but we might have to call a special State board meeting, in Oregon possibly.

Kerr: Cy?

Jensen: I am sure we can, as it has been discussed many times.

Kerr: Well, I'll make that proposal then, that if the Council is willing to go along and follow Joe's advice, submit this and the other proposed changes to the Code to the district boards for their consideration and recommendation. We will get it out in a hurry, and we should be able to get comparatively rapid action on it.

Brownfield: John, do you want to press your motion?

Hay: In view of what Joe has said and with the permission of the second, I will withdraw my motion. I mean then we will go through the usual channels, and we will eliminate the criticism between the Solicitor and the Secretary procedures. With your permission, Stan, I'll withdraw.

McKnight: I'll yield.

Brownfield: Let me ask you this? It might be influencing the local boards for the Council to take action, but since you have had it thoroughly explained and you may have information that the local board members may not have, perhaps some kind of a recommendation that would follow back to the local level would be worthwhile.

Christensen: Mr. Chairman, I think it would help expedite it if that were done.

Hay: I think, along that line, we are going to have several proposed Code changes and after we have discussed them all, the Council can go on record here as approving or disapproving these proposed changes. Then we can tell our board members what we have done.

Brownfield: You can recommend the changes, provided they are acceptable to the local boards.

Hay: I think we ought to act on all of them or reject them and so advise the board members. I will withdraw in view of that.

Pierson: It would be helpful to have an expression with reference to advisory board reviews on those proposed Code changes that are coming up for discussion now.

Brownfield: Well, Jerry says there are some more coming up, so when we get to them, then we can take action. We will pass that subject until we have heard all of the proposed changes and then we will take action. That brings us down to range. We have rehabilitation, small watershed programs, and cooperation with other agencies to be discussed by Mr. Pierson.

## RANGE REHABILITATION

Pierson: Members of the Council, I will be very brief in what I have to say this afternoon. I have no prepared statement. The statistical material on accomplishments on range rehabilitation and other project programs will be included in the proceedings of the Council.

Our range rehabilitation program is getting very large and very complex from what we were doing ten years ago. Apparently it is a popular endeavor because we have a lot of people engaged in the business. I will mention first just the programs that are involved. The Soil and Moisture Conservation program which I've explained in previous years is now on a 20-year program. It is on record in the Bureau of the Budget and has their approval. It's on record in both the House and Senate.

As the Director mentioned this morning, the annual appropriations are fairly close to the annual 20-year target figures which have been projected from information on S&M project areas. I have already explained to you that we have reoriented the S&M program to a watershed planning type of program for the reason that it is Departmental policy and most of the development operations in the Department, as well as the research programs, are set up on a watershed basis. Consequently, to make the best use of the basic data available, and to get the best measurement of the effectiveness of the program, we have set our program up on a watershed basis.

Second is the range improvement program, financed by 25 percent of the receipts from section 3 and section 15 grazing fees and rentals. Third, and closely allied with our S&M program, is the small watershed program authorized by P. L. 566. We are involved because a lot of the proposed watersheds do embrace public lands. To date, we only have one operating project for which funds from P. L. 566 have been transferred to the Bureau. We have a fourth cooperative project supported by P. L. 264 which extends Agricultural Conservation Program incentive payments to practices installed on public lands. There is a memorandum outlining the general policy and procedures in your kit based on an agreement with the ACPS in Agriculture. We also have a large private program authorized by section 4 of the Taylor Act. Each year that goes by seems to enlarge and elaborate our range rehabilitation program.

It looks like we may have somewhere around a $6 million program of range rehabilitation of all sorts, plus weed control for fiscal year 1958 which includes estimated contributions by range users. That is surprising. We are well aware of the current economic situation in the livestock industry, but people are still finding money to support our S&M, Range Improvement and Weed Control programs.

## SMALL WATERSHED

The other topic listed on the agenda is the small watershed program. I am not sure who proposed that item, but I am wondering if there were still some trouble spots in the grazing districts on planning this program or carrying it out, or any conflicts between our Bureau program and Department of Agriculture program. We have attempted to iron out all the differences between the two programs, but as we have discovered from previous discussions, we don't always receive reports on them back here. So if there are questions on the small watershed program, I would like to hear them now.

John Hay reported a problem two years ago on Coal Creek.

Hay: It was at that time, Riley, that all developments were made on lands controlled by the Bureau of Land Management. The supervision should remain with the Bureau of Land Management.

Pierson: We have insisted on that and, as far as I know, that is the way it is going to be. There still has to be prepared here in the Department a revised manual of instructions to conform with the amended small watershed law. That has not been done as yet.

## BLM-SCS COOPERATION

Douglas: I am in a Soil Conservation District, and they are making pretty big plans on some of these small watersheds. They talk as though the rancher is going to put up money for his share of the land and the Bureau of Land Management is going to take care of theirs, and you are about 90 percent owners in that country. It seems that you are going to find yourselves suddenly in with some pretty big projects that you haven't planned and that you are 90 percent responsible for. Well, the Soil Conservation Service has made a very rapid expansion in personnel, and I guess they more or less force the soil conservation districts on the ranchers, but the ranchers in my area felt they had to have one to protect themselves on the conservation payments. If you weren't in a soil conservation district, the SCS didn't give you quite as good service as if you were in one, so that was the reason that we got one in our area. Then, in less than a year's time, they have put a ranch planner in the small town of Wickenburg. There are 40 people in our soil conservation district, and they are starting to make range plans on land which is, I would say, 80 percent Federal lands. You don't have personnel in Arizona in our grazing district. Just one runs District 3 and he has other things to do than go around with this man making these other plans. To me the problem is going to arise there because there are going to be some ranch plans made on 10 percent of the land where actually the Bureau of Land Management is responsible for 90 percent. It is possible that the plans might be in definite conflict and then you would end up with a rather strong argument because they would say, well, here is our ranch plan, SCS made this, and you are telling us to run the area a little bit different.

Pierson: The instructions to both the SCS field personnel and to BLM personnel are very clear on public land planning work. If we have a situation like I understand exists in your area, I don't see why we can't get it resolved.

Douglas: Well, I am sure it can, but I think it is something that should be sort of kept in check because right now BLM does not have one third as many ranch planners as we have in Arizona, and we are getting new ones every week.

Pierson: We don't have any ranch planners.

Douglas: But you are supposed to have. In other words, when someone else makes a ranch plan, my understanding is that BLM is supposed to put in their percentage of the time or at least be present. Well, you are 90 percent owners in our country, the Bureau of Land Management is, and yet the Soil Conservation Service is making the plan with 10 percent of the land and you can't be present at all the planning, I am sure, because everyone in Arizona would have to quit and go out and follow around on these plans.

Pierson: We will follow up on your statement. The drainage concerned is the Centennial Wash area.

Douglas: Yes, the BLM is doing a very good job in the Hassayampa Basin, Salt Wash, and four or five other washes. The SCS thinks BLM hasn't done exactly right on Centennial, and they are going to plan something that is done properly.

Brownfield: You are operating on a State law, are you not, in these soil conservation districts? You have to vote the land use regulations before you can assume authority over all types of lands. That's true with our New Mexico law.

Douglas: Well, that's what nobody really seems to know. The thing is, the SCS people think flood control and waterspreading and such should be done, and I am sure it should.

Brownfield: Get good cooperation, and then get a good job with BLM.

Douglas: Sure. We want to do it by cooperation, but where BLM is 90 percent owner, it puts them in sort of an odd position when the SCS initiates everthing on less than 10 percent.

Brownfield: Where would you be if the Bureau of Land Management ordered you off their land?

Douglas: We just couldn't do anything.

Brownfield: They carry you.

Douglas: That's right, but there are lots of directives out saying we must integrate these things and that is the reason at first I didn't think much of the thing. I think it is just another means of taxing us someday.

Brownfield: The intent is good but on the action is where you have got to have cooperation.

Douglas: So that's the reason I am on the thing. Just to see where it is going. If you can't whip them, you had better join them.

Pierson: Is there a small watershed proposal there, too?

Douglas: It is merely in the discussion phase. Every creek in Arizona that is inside a conservation district has at least a thought towards it.

Pierson: Thank you, Mr. Douglas, for calling it to our attention. We will certainly follow through to see what the exact situation is there and make sure that instructions are followed on complete ranch plans. We have a definite policy where Federal lands within the allotment are affected by complete ranch planning.

Arrien: Mr. Pierson, do you have a memorandum stating the condition or status of the two agencies relative to work on cooperative projects?

Pierson: We have about 85 or 90 local agreements, principally with soil conservation districts and both agencies are fully aware of the terms. We have a master cooperative agreement with the Department of Agriculture, which provides for all types of cooperation between Interior and SCS within districts and outside districts. It is within the framework of the master agreement that field agreements are set up.

## COOPERATION WITH OTHER AGENCIES

The third topic assigned me is cooperation with other agencies. Generally speaking, throughout the Bureau our cooperative relationships with other agencies are probably at the best level since I've been with the Bureau. We are getting the best type of help from them and as was expressed at the Range Management Society meeting in Great Falls, it was admitted all the way around that we are depending on each other for a lot of help. I think that with our present Bureau organization structure, where we are down pretty much to the State unit as being the major operating level, cooperation with State agencies has been much improved. So, unless there are questions applying to that topic specifically, that is the extent of my presentation. I have merely opened up these subjects by way of introduction. I know you want as much time as possible for discussion. If you have any further questions to raise on any of these three topics that we haven't covered so far, now is the time to bring them up.

Brownfield: Very good. Mr. Noble, we will hear from you on the weed control program.

## HALOGETON CONTROL PROGRAM

We now have about 11¼ million acres of halogeton. This is an increase of nearly 2 million acres over that which was reported in 1955, so it continues to spread. Part of that 2 million acres, however, came about by way of finding new locations of old infestations. We still have not located everything that we have had for probably a number of years, and we are still discovering spots here and there.

Of the 11¼ million acres, about 8¼ is BLM-administered land, and about 3 million private, State and other lands.

New infestations have been found during the past year in Wyoming in the Wind River Basin and between Idaho Falls and Arco, Idaho. There have been some detailed surveys made in these areas which have shown the increases. In the Pahsimerii drainage near Salmon, Idaho, a large infestation has been mapped recently.

A number of spot infestations have appeared. Perhaps the most interesting of these is one in the vicinity of Mosby in the middle of Montana. This covers about four acres, and is located in an oil drilling area. Seed was likely introduced from Wyoming by heavy equipment brought in to throw up dikes around refinery areas.

Below Rifle, Colorado, some spots show up near the Colorado River. We also have a few spots around Rangely in Colorado that we had not discovered until this past summer.

Horn: On up the Colorado River, probably 75 miles from Rifle there is some at Dotsero.

Noble: We knew about that a year ago, but it has spread.

Horn: There was a small spot at Dotsero a year ago and now we have found it for miles in either direction.

Noble: It had spread about 15 miles above Dotsero. Perhaps it's more extensive than that now.

Between Rock Springs and Rawlins, infestations are scattered along the railroad and old highway rights-of-way. We have known about most of those for several years. However, some more were discovered this past year.

Another spot that is considerably displaced with respect to major infestations is on the Utah-Colorado line on the White River. This was picked up during the past year as was also another one near Myton, Utah. Down near Loa, Utah, another spot infestation has been discovered just southwest of Bicknell. This was undoubtedly brought in on road equipment.

We have a lot of area that apparently is adapted to halogeton, and to which it is spreading. New infested areas are being found continuously, and general infestations are enlarging. However, we have a good idea of the general distribution of the plant. We may pick up other areas that are presently infested, but they are expected to be small.

Just how well it will thrive in New Mexico and Arizona is not known. It is not down there yet, although the spot south of St. George, Utah, is near the Arizona line. An effort to eradicate this spot has been made, but it still persists.

In elevation, the plant seems to have definite limitations. It does not occur above 7000 feet very often.

There is still a considerable amount of livestock loss from use of the plant. We do not have the spectacular high percentage losses that were experienced a few years ago in some sheep herds, but we do have losses up to 5 percent of some herds in Utah, Nevada and Idaho where heavy infestations are located.

During the past year the Bureau of Land Management has been carrying on a project program about as we have in the past. Our major halogeton control activities have been reseeding of areas that are adapted and chemical spraying with 2,4-D. Besides these two types of projects, other forage development projects are undertaken, such as protection fencing around reseedings and other areas being rehabilitated to offset the effects of halogeton. We protect these to increase the vegetative cover and the forage supply.

The halogeton program was initiated in 1952. Appropriations made each fiscal year for the program are as follows: 1952 - $2,000,000; 1953 - $1,345,000; 1954 - $1,300,000; 1955 - $650,000; 1956 - $700,000; and 1957 - $706,000. The total actual expenditure for the years 1952 through 1956 was $5,575,618.

Lee: By spending $5,000,000 you have increased it 2 million acres.

Noble: We believe that perhaps the acreage is smaller than it would have been if we had not had the control program. We have not stopped it, that's a sure thing, but we do believe we have thinned it out in some of the areas where it was spreading most rapidly and probably held it up to some degree. One thing this program is aimed at is decreasing the rate of spread as much as we can and learning more about the plant.

So far in the program we have reseeded just about 400,000 acres. In 1956 there were about 25,800 acres reseeded.

Lee: May I ask you this question? What percentage of reseeding lives, what percentage actually took hold?

Noble: A fairly high percentage of that reseeding has been considered successful. The sites have been carefully selected, however we have had some we had to call a failure. We have reseeded some sites twice in order to get a stand.

Lee: Then part of this tremendous expenditure can be charged up to improvement of the land.

Noble: That, of course, is one defense against halogeton--to increase the forage supply and thereby offset its effects. Also, the increased vegetative cover presents competition to the plant.

## PROGRAM BENEFITS

Lee: I would hate to go up there with our Senators and defend the 6 or 7 million dollars and increase the halogeton. What I want to know is what good you are doing.

Noble: I think we have done a lot of good. As I pointed out, we don't have the spectacular losses that were once fairly prevalent. Also, a great deal of range improvement has been accomplished.

Seely: We do have a larger infestation, as we haven't been able to keep it from spreading, but in areas that are infested you can see material improvement from the reseeding in the forage that is produced. Instead of a straight stand of halogeton, you have a good stand of grass, even though it still shows in some areas. Now, just as an example, you have heard of a million pounds of seed harvested last fall from the areas in Idaho and Nevada. This seed production was the result of the seedings that have been done under the halogeton program. You might say a lot of these areas have been increased from a carrying capacity of possibly 30 acres per AUM up to 2 or 3 acres per AUM. So, I think we are doing a lot of good, but we still show the original infestation plus wherever the spread is. I don't think the amount of spread can be used as an indication that the money has not been wisely spent.

Lee: That is the answer I was trying to get.

Stringham: Give us some example of losses during the past year.

Noble: In northwestern Utah, about half a dozen sheepmen have experienced losses. The extent of these losses was between about a dozen and 50 head out of a herd of perhaps 1800 to 2000 sheep. They occur both fall and spring, usually during trailing operations. The operators involved trail through northwestern Utah on their way to and from winter ranges.

Stringham: I happened to be on the Board of Trustees of the Agricultural College at Logan when they took some sheep and tried to kill them, stuffed them with halogeton, and couldn't kill them.

Noble: Just exactly what all the necessary conditions for poisoning are, we don't know. One herd of sheep can do the same thing as another encountering lethal results and not be adversely affected. It is a lot like big head, you cannot tell when it is going to hit. However, chances of loss are great where sheep are carelessly handled in areas of heavy infestation.

Stringham: Apparently there will be hope of controlling or eradicating the weed, though.

Noble: I can't see any possibility of eradicating it.

Stringham: Perhaps we should change the name to range improvement program instead of halogeton control.

Noble: It is now a range improvement program.

Seely: There is a lot of difference of opinion to what extent halogeton is poisonous. We hear arguments both ways, and we know that the Agricultural College in Utah has carried on some controlled experiements with livestock in halogeton areas, but the fact remains that others are having losses. I am convinced it is decidedly poisonous and sometimes actually vicious. But leaving aside the problem of whether or not it is poisonous, I don't think any of us want a range covered with halogeton. I think we want to have other forage on it, and it has definitely been proven that good perennial grasses properly managed in these halogeton areas will take over from the halogeton. It doesn't always entirely eliminate it.

Some people argue that it isn't injurious to the livestock. I have heard people in some areas say that all their stock is living on is halogeton, and then you have someone come along and lose half a herd of sheep in one night. Be that as it may, I think we are still out to build these ranges.

## CONTROL ON ATOMIC ENERGY COMMISSION LANDS

Waddoups: No doubt you are acquainted with the halogeton infestation between Idaho Falls and Arco. It is presumed that that was brought in by machinery when they built the highway.

It is all over that whole area now. It is mostly on the AEC project, which comprises 420,000 acres. Just what control will you have over that area so far as halogeton is concerned?

Noble: We have recently been approached by the Atomic Energy Commission about using Bureau of Land Management funds to control halogeton on their area. Prior to the present time, however, according to the range manager at Idaho Falls, we have been denied access to AEC lands. AEC has had such a volume of protests about the infestation from stockmen and others that they have become interested in getting something done about it. We told them that our funds are very limited, and that we have 8¼ million acres of BLM land to spread them out on. We explained that any expenditure of BLM funds had to be for the benefit of BLM lands because of limitations of the Halogeton Act, and that it was our policy to have other land owners or administering agencies take care of their own problems to the extent they could. Just what the AEC is going to do about it, we are not sure yet. They were of the opinion that their funds could not be used to control halogeton, but they are considering the situation and are thinking about getting some other agency to take care of their infestations. Just what the outcome is going to be, we have yet to determine. Control work on AEC lands should be in the same degree that work is done on adjoining lands.

## METHODS OF CONTROL

We have done quite a lot of chemical control work on Bureau of Land Management lands. About 113,000 acres has been sprayed with 2,4-D during the last five years. Only about 33,000 of that was sprayed in 1956 and there likely will be a decrease in that program in the future for several reasons. One of them is that we are starting to denude some areas of forage species and are getting some protests, particularly in the Wind River Basin of Wyoming. BLM personnel there have received quite a few protests that they still have halogeton and our spray program is ridding their range of forage. So, we likely will not be doing as much large-scale spraying as in the past. It will be confined, as it has been to a large extent during the past year, pretty much to spot infestations such as those between Rock Springs and Rawlins. Where we do any spraying, it will be with the objective of preventing any seed production during that year. The amount and frequency of 2,4-D application

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should be sufficient to meet this objective.

Besides seeding and spraying, several other types of projects have been undertaken on the halogeton program. We have constructed 1,194 miles of fence to protect seedings and other areas we would like to build up. We have done some waterspreading work, including needed detention dams, diversions, and dikes. There has been some contour furrowing, completed, and some boundary posting of halogeton areas. Study plots have been established for studies by research organizations, as well as ourselves, and truck trail construction has been necessary in order to get to some areas to do reseeding and fencing work.

In the future, in addition to spraying spot infestations, we will use soil sterilants on some spots. I think the one up at Mosby, Montana, was treated with a borate this past early winter. Sterilization is a very expensive process, but in the case of some isolated spot infestations, it is justified.

Reseeding will be increased to the extent we can find sites adapted to such treatment. In some few districts opportunities are almost unlimited, but in most districts such opportunities for successful seeding are restricted. In most parts of Nevada, Utah, and Colorado, there are definite limitations. Northeastern Nevada, however, still has extensive possibilities for reseeding, as has also the Idaho Falls-Arco area where very little seeding has been done. It is expected that other forage development projects will also be undertaken to a greater extent in the future, particularly soil pitting. Very little pitting has been done by the Bureau except in New Mexico and Arizona. Pitting presents definite possibilities for improving our forage resource and the vegetative cover on fairly level areas. We also expect to do more contour furrowing and waterspreading, as is reflected in program plans.

## COOPERATION

We cooperate with the Bureau of Reclamation by doing control work on Reclamation lands on a reimbursable basis. This work has consisted mostly of location surveys and chemical spraying. We have also cooperated with the State Department of Agriculture and the Highway Commission on a cooperative control program in Nevada.

The Bureau has carried on a cooperative research program. As you know, the Bureau of Land Management has a policy of not undertaking research work itself to the extent of collecting and analyzing data, but we are cooperating with the Agricultural Research Service and the State Agricultural Experiment Stations on various research projects in connection with halogeton. We have received considerable information about the habits and means of control of halogeton from the results of these studies, but there is yet much to be learned.

## RESEARCH

In Idaho, research work is being done on herbicide applications. A lot of work has been done with 2,4-D and then last year about a dozen more or less selective herbicides were tried. From these, four chemicals - diuron, 2,4,5-TP, 2,3,6-TBA, and CICP - , which showed promise in controlling halogeton without greatly affecting other forage plants, were selected for more extensive trials during the coming year. These are being tried in two different locations in each of the States of Utah, Nevada and Idaho. Also Area 2 is planning to try out Dupont's Telvar (diuron) on a small scale in two or three districts. Dupont is to supply the chemical for these trials.

During the past summer, aerial 2,4-D spray trials were conducted in Nevada in cooperation with the ARS and the Nevada and Idaho Agricultural Experiment Stations. These trials were located at our Hubbard Reseeding north of Wells, where we have a fair stand of crested wheatgrass, but a lot of halogeton still persists throughout the seeding. Three different carriers and three rates of application were used. The objective of the trials was to determine just what could be done by way of applying 2,4-D spray from airplanes to control halogeton on seeded and other areas. Reports of preliminary results are not very favorable, but a detailed report is yet to be completed.

Waddoups: I don't think you will have any trouble with halogeton where you have a good stand of crested wheat. It will really take halogeton out; of course, where you have a sparse amount then you have halogeton, but where you have a stand you don't have any trouble with halogeton. It will choke halogeton out, there is no question about it.

Noble: Where we have our best stands that is true, it will keep halogeton out. This Hubbard seeding has what we would call a fair grass stand which is open enough to permit a good stand of halogeton to exist with it. That is true of any vegetative cover. If a good cover exists, the halogeton problem will not be great.

Brownfield: Why not, then, quit trying to spray and try to plant more grass.

Waddoups: The thing that disturbs us in eastern Idaho is the Atomic Energy Commission project. That will be a seed ground for halogeton and coyotes and what not without control. It is really a disturbing factor, especially in eastern Idaho, as I think you well know.

Arrien: Just how do you effect plans for cooperative work in eradication of halogeton with agencies such as the Atomic Energy Commission and Reclamation?

Noble: There has been a standard cooperative agreement or memorandum of understanding developed. It provides for cooperative efforts and indicates what will be furnished by each agency. In the case of Bureau of Reclamation cooperation, BLM completes all work and is reimbursed therefor. A number of standard clauses on nondiscrimination, appropriations, and other items must be included in these cooperative agreements.

## NATURAL REHABILITATION

Swallow: Have you determined how long it will take nature to take care of the halogeton problem? In other words, where you eliminate the livestock from an area and fence it, have you carried out experiments to determine how long it will take nature to take care of the situation?

Noble: We have two cooperative experiments set up now to determine protection needed for natural rehabilitation. One of these is located in Wyoming and has just recently gotten under way. A series of seven experiment pastures have been installed where sheep are to be grazed at different intensities to determine just how much grazing an area can be given and still keep halogeton out. This is a salt sage area located in the Big Horn Basin where halogeton is just starting to invade. There is a lot of it in the vicinity, but only a very few plants are scattered through the pastures. We are not sure just how this will turn out since such areas naturally have a sparse vegetative coverage.

Swallow: The reason I asked that question is that it has been my observation in most of the areas, not entirely, but generally, that where the range has been kept in good condition the halogeton infestation is not nearly so great.

Noble: That is right; almost anywhere the range is in good condition you will not have a very heavy infestation in halogeton. There are exceptions. We have some saline areas where very little original vegetation exists but where halogeton does fairly well.

The other cooperative grazing experiment conducted under our halogeton program is located in Idaho on the Point Springs Reseeding. This seeded area was originally halogeton infested. Several pastures have been fenced off for use in a primarily livestock production experiment, but the weed infestation is being studied as well.

Swallow: Isn't it your opinion that where you have a heavy stand of halogeton it will probably take forever for the native grass to come back, or will it ever take over.

Noble: In most places where we have a very heavy stand of halogeton, there is almost no grass.

Swallow: It can't come back even if you didn't graze it. It would be a long, long time.

Noble: That's right, however, in most of those areas there are some remnants of some of our desert shrubs. The heaviest stands of halogeton usually occur on the salt desert shrub and lower sagebrush areas. These shrubs will also increase when given protection and present competition for halogeton. We may never get any native grass on some of those areas, and most of them are not susceptible to seeding.

## HARVESTED SEED PURITY

Waddoups: Did you have any halogeton seed content in the seed that you harvested from your reseedings?

Seely: The seed that was harvested in Nevada had halogeton seed in it and some of it quite an extensive amount. We had it recleaned, and any that showed any trace of halogeton seed is to be sown only in areas that are already infested with halogeton. Some of the seed harvested in Idaho was shipped to other States. In this State halogeton-infested areas were avoided, and all seed sent to other States has been absolutely free of halogeton seed.

Swallow: Can the sharecropper sell the seed he got for harvesting anywhere he wants to in the United States with the halogeton in it?

Seely: Every sharecropper has been notified and warned of the halogeton seed content. It will depend upon the seed laws of the different States to determine where the seed can be sold.

We have had the seed that was shipped to other States by the Bureau of Land Management tested at Ames, at Berkeley, and at States laboratories, and in none of it can there be found even a trace of halogeton.

A lot of halogeton seed was found in that harvested near Elko on the Hubbard reseeding. We had it cleaned and tested again,-- it still showed halogeton in it. It is being cleaned again before we reseed it even on the infested areas in Nevada.

## WILDLIFE AND RECREATION

Bridge: Wildlife and recreational use of all public lands seems to assume a greater importance as each year goes by. Assistant Secretary Leffler, in a recent speech to an Association of Outdoor Writers, called attention to the problem of having to produce more and more fish and game from a habitat that is constantly becoming smaller and smaller.

Regarding legislation, Senate Bill S-846 would establish a 15-man commission to investigate the future recreation needs of the nation by the year 1976 and the year 2000. The commission would then recommend a national policy to meet the expected recreational needs of the public.

Senator Humphrey of Minnesota introduced a bill during the last session of Congress and has re-introduced it again this year as S-1176. A companion bill, H. R. 500, has been introduced by Mr. Saylor in the House.

The objectivesof this legislation are to establish a permanent national wilderness preservation system to provide for administration by existing Federal agencies and to establish a National Wilderness Preservation Council.

Congress would sanction the continued preservation of those Federally-owned or controlled lands that are in public ownership in one form or another, and that so far have retained their primeval character.

A wilderness has been defined as an area where the earth and its community of life are untrampled by man.

The following areas would be blanketed into the wilderness preservation system.

(a) The wilderness, wild, roadless and primitive areas as they are presently designated within national forests;

(b) The national parks and monuments excepting those units which have been set aside for motor trails, buildings, and other cultural development;

(c) The national wildlife refuges and games ranges (same exclusion as above);

(d) The wild or roadless areas within Indian reservations when consented to by Tribal Council or other duly constituted authority; and

(e) Such other areas as shall be designated for inclusion in the national wilderness preservation system in accordance with the provisions of this act.

Section 2(a) lists the 79 areas within the national forests which shall be included within the system and provides that addition, modification, or elimination of wilderness, wild, or roadless areas shall be in accord with such regulations as the Secretary of Agriculture shall establish in conformity with this law.

Any such addition, modification, or elimination shall be made only after at least 90 days' public notice and the holding of a public hearing if requested.

Section 2(b) lists the 48 areas within the national park system which shall be included.

In this case additions may be designated by Act of Congress or Executive Order or Proclamation of the President, and no unit shall be removed except by Act of Congress. Ninety days after public notice, the Secretary of the Interior shall designate within each unit the areas required for development for roads, buildings, etc. Failure to designate such areas will result in the entire area going into the wilderness system automatically after two years from the time the unit was first listed.

In Section 2(c) twenty national wildlife refuges and ranges are listed to be included within the system. Additions may be designated by the Secretary of the Interior and the same procedure is provided for designating culture areas as is the case with national parks.

Section 2(d). The Indian's wilderness. There are listed in this category 15 areas to be included in the system provided the Indians consent. Modification of these areas can be done by the Secretary with the consent of the tribes affected.

All told, the 162 areas to be included contain approximately 25 million acres of public land.

In addition, Section 2(e) provides that the system shall also include such units as may be designated within any Federally-owned or controlled land and/or water area by the officials authorized to determine the use of the lands and waters involved.

Section 2(f). Proposed changes to the system, excepting those by Act of Congress, are reported to the National Wilderness Preservation Council and in turn the secretary of the Council reports such changes to Congress. Any such change shall take effect after 120 days of continuous session of Congress unless a resolution against the change shall have been passed in either the House or the Senate during that period.

Section 3. Nothing within this act is to interfere with the purposes stated in the order establishing the national forests, national parks, wildlife refuges, Indian reservations or other Federal land areas except that the administering agency will have the responsibility of preserving the wilderness character of those lands included within this system.

Administration of the areas shall be by regulations set up by the appropriate secretary. The Council shall maintain a file of all regulations but shall have no administrative jurisdiction over any agency or unit of the wilderness system.

Except as otherwise provided no part of the system shall be devoted to lumbering, prospecting, mining (including oil and gas), grazing, or water development and impoundment, and, in general, no roads, boat docks, airstrips, etc., will be authorized.

However, there are certain special provisions which modify the foregoing:

(1) Roads on national forests necessary for ingress and egress to private property and for other uses may be authorized;

(2) Grazing and certain other uses where established, may be permitted to continue, but shall be recognized as non-conforming use and shall be subject to such restrictions as the Chief of the Forest Service deems desirable. These uses should be terminated whenever this can be done with equity to or in agreement with those making the use;

(3) This act will not modify provisions of P. L. 539 and 607 as they apply to the Superior National Forest;

(4) Any nonconforming use authorized or permitted by the Executive Order establishing a national wildlife refuge or game range may be continued, in the same manner as on the national forests, but should be terminated whenever this can be done with equity to or in agreement with those making the use.

Section 4. This section provides for the selection of a National Wilderness Preservation Council which shall consist of the Chief of the Forest Service, the Directors of the National Park

Service, United States Fish and Wildlife Service, the Commissioner of Indian Affairs, the Secretary of the Smithsonian Institution, and six citizen members appointed by the President. In this instance there is a difference between the House and Senate bills. Congressman Saylor's bill provides that the Chairman and ranking minority members of the Senate and House Committees on Interior and Insular Affairs would also be members of the Council.

Duties of the Council include reporting proposed changes or modification of the system to Congress; giving advice and consultation to the President, and to the Secretaries of Agriculture and Interior; acting as a clearing house of information on all matters pertaining to the wilderness system, and reporting annually to Congress on the status of the wilderness areas in the nation.

Discussion: Judging from the tenor of remarks and articles written on the probable effects of this legislation, opinion seems to vary considerably as to whether it is good or bad legislation. Proponents argue that to delay enactment of legislation which would protect the remaining wild areas of the United States is to run the risk of eventually having administration by people rather than by law. At the same time, most of the supporters of the bill concede that administration of the wilderness areas to date has been on a relatively high plane.

Opponents of the bill call attention to the fact that it is class legislation and provides for single use of the natural resources, rather than multiple use, as is generally accepted to be most desirable. Also, it is rather all-inclusive in nature and probably takes in more territory than is reasonable or desirable.

From the Bureau's standpoint, it is not inconceivable that some of our more rugged and inaccessible areas in the United States would be suggested for inclusion in the system as provided by Section 2(e) of the act. If you include Alaska, it seems almost certain that extensive areas may be suggested for inclusion in the system.

## BUREAU ACTIVITIES IN THE FIELD OF WILDLIFE MANAGEMENT

The Bureau is striving for improved cooperation with the States in the management of big game. We strongly believe that the range improvement and soil and moisture programs have been of great value to wildlife, and the State game people generally agree with us. There is an increasing willingness on the part of the States to cooperate on many range improvement projects, such as access roads and water developments, and, of course, we encourage this sort of thing as much as possible. The States have shied away from cooperating in our reseeding program because of their concern over the loss of browse plants needed for big game. However, we are now intensifying our study of browse revegetation, and although there are problems to overcome, eventually we should be able to propagate palatable browse species just as successfully as we do grasses. To better evaluate the use that game animals are making of our grass seedings, the Bureau has cooperated with several States in the construction of a number of exclosure plots. These should provide a record of the amount of use that is made of our crested wheatgrass seedings by game animals, as well as by livestock.

In the matter of withdrawals for wildlife purposes, we have consulted with the United States Fish and Wildlife Service and have had many discussions with representatives of State game departments and others. Oftentimes we find that the chief factor motivating the request for a withdrawal may be the desire to guard against the land going into private ownership with a consequent loss of its use to the public. This is especially true in the case of key access tracts to lakes, streams, etc. To reduce the general objections to withdrawals, some of the more recent applications have provided for other multiple uses to continue under the administration of the Bureau of Land Management. An example of this is a 200-acre withdrawal of the Copco Lake Management Area in California which provided that the management and disposal of timber and grazing should continue under the Bureau of Land Management after the withdrawal is effected. This seems to be a substantial improvement over the more usual type of withdrawals.

There is another matter which I would like to make brief reference to. The livestock people should work with the States and sportsmens' organizations as well as with the Federal agencies to help attain desired reductions of game in overpopulated areas. Reductions can usually be most effectively accomplished by hunting. Last year a number of hunters paid the usual nonresident fee to a State of $20 to $25, plus $20 a day to local ranchers as guide fees, and then on top of that the ranchers reportedly charged them from $20 to $35 per animal taken. These hunters strongly suspected that in many cases the game animals were not killed on privately owned lands and were indignant over what they considered to be at least excessive if not illegal charges levied upon them. This, I think, is something that bears some careful thought. It is a well-known fact that big game populations have been on the increase for a number of years. If we are going to have control in most instances, it must be by hunting and oftentimes the nonresident hunter is going to play an important part in this necessary harvest. I think we should all work to discourage exorbitant charges being made for hunting, whether they be made to local or nonresidents. Above all, we don't want to discourage the hunter as he is one of the most important cogs in the machinery of game management.

Brownfield: Thank you, Mr. Bridge, does anyone have any questions to ask Mr. Bridge?

## DISCUSSION OF WITHDRAWALS

Scharff, Oregon: I was interested in this matter of withdrawals, especially where there is dual administration. If an area is withdrawn for the protection of a vanishing species, is it necessary that part of the administration still be retained in the hands of the Bureau of Land Management, or is there provision made in cases like that where one organization can have full control of the land? I think that question has come up a time or two out in our country where the State has requested the Bureau of Land Management to retain the grazing administration and the timber administration but I can see where, under some conditions, it might have quite a bearing as to who handled the range. In other words, your grazing may be a tool you employ to effect the major objective of a withdrawal, and it seems to me in cases like that it might be well to have all the eggs in one basket, so to speak, rather than to have it divided.

Bridge: Well, I think that's right, Mr. Scharff. The example I gave was on a withdrawal of a more general nature where it did not include anything like a vanishing species being endangered. In the case where a certain species of animal or bird needed absolute protection, I am sure there would never be any objection to a withdrawal being placed entirely under one agency. In all probability all other uses would be cut out entirely, or at least severely limited. The example I gave related to withdrawals where the greatest need was to prevent the area from going under mining entry or in some other manner leaving public ownership and thus possibly blocking off a large area of public land suitable for recreational use or other uses.

## RECREATION IMPROVEMENTS

Scharff: There is one other point I would like to make, and I am speaking, more or less, on a local basis. We have in our section of the country an increasing use of all the Federal lands. As an example, last year on the area where I work our visitors doubled. In thinking of recreation we generally think more of hunting and fishing, but actually, that form of recreation in our part of the State is perhaps more or less in the minority. It's the rockhounds, and the folks that are looking for Indian artifacts, etc., that are coming out from the time the livestock are turned on the range until school starts in the fall. One group from Seattle, for example, comes in there in a big Cadillac automobile and with a jeep and covers the country for a month. I have noted that on a number of occasions these folks are prone to camp around important little waterholes, and that's something we don't have too many of in our country. With a little development that use could be pulled away from waters used by livestock and game and so avoid a lot of interference for which Oregon got a lot of adverse publicity last year from recreationists. In talking the matter over with the local range manager, as I understand the situation, there are no funds which the Bureau can spend for building access roads to campground development or something of that nature that would be not only a benefit to the recreationists but would also be a protection for the livestock users. I wonder what consideration has been given in your thinking here at this level.

Bridge: Well, as far as I know, there aren't any funds available for expending strictly for recreational purposes. However, you mentioned the possibility of a road being built in a way in which it would also indirectly, at least, benefit livestock interests and possibly under those conditions it might be permissible. I think the development would have some other purpose besides recreation under the present system. Director Woozley, do you want to add anything to that?

Woozley: Well, of course, Mr. Hochmuth will discuss lands and that is part of the lands problem and our total recreation problem. We recognize that we do have a recreation problem on our land, but we don't want to get into recreation management. In other words, if there is a place that is needed by the general public, and they are using it to any extent, and it isn't a necessary part of a range or some other management program, we like to give special land use permits to some of the local groups who will take care of it and manage it along with the livestock users and get some local participation rather than have the Bureau manage it. We could get into great numbers of these all over the United States and Alaska if we are not careful and Congress doesn't provide in our budget for us to handle recreation projects. I think we will get into that a little later.

Wyatt: Mr. Chairman, like the gentleman who just spoke, it would be well to keep our eggs in one basket and guard the eggs. In northwestern Colorado we haven't forgotten the partthe Park Service took in trying to increase the size of the Dinosaur National Monument. They would have taken all of our grazing lands and that's a matter of record. I believe we shouldn't relinquish administration of any of the grazing land.

## CONTRIBUTIONS BY STATES

Christensen: Mr. Chairman, has there been any willingness on the part of wildlife people on any level of Government to start contributing to the rehabilitation of the ranges, with us?

Bridge: Yes. That situation seems to be improving each year. The wildlife people have had some reservations as to some of the projects and programs that we would like to see them enter into, such as our reseeding program; but in such matters as the construction of access roads into back country areas to aid in taking out game animals and reaching water developments, there has been quite a bit of interest on the part of the States. They have contributed quite a lot to such programs. I feel sure that, as time goes on, they are going to take an increasing part in this work. I believe more and more they are realizing the benefits that accrue to wildlife from a range development program right along with the benefits to livestock.

Christensen: If they do contribute more and more to that program, will they expect to gain some additional right to the range?

Bridge: Well, I believe not. I think our cooperative projects usually specify pretty clearly that the project, after it is completed, is going to remain in the control of the United States, and I wouldn't anticipate any great difficulty in that matter.

## STATE PURCHASES OF LAND AND WATER

Stringham: You didn't touch any on State fish and game organizations purchasing key spots, key waterholes and great areas of land. Do you have that problem?

Bridge: I don't know if we have a problem of exactly that nature. I do know, of course, that the States have, from time to time, purchased base ranch setups usually for the purpose of controlling a game herd within some given area. Oftentimes they have purchased an entire ranch setup and built high fences around it for the purpose of preventing game animals from moving into other areas. I am thinking of a case in the DuBois country of Wyoming where the State bought up a ranch setup and constructed an elk-proof fence along one side. I believe, in that case, they actually did quite a lot of service to adjoining ranch lands. They certainly did prevent a lot of elk from trespassing on the adjoining ranches and destroying the hay. As to the States buying up key water control areas, I haven't heard of it, but possibly it has happened.

Stringham: Mr. Chairman, in our State of Utah they are doing that very thing, to some extent. For instance, this year they bought 14,000 acres during the year. They bought 11,000 acres out of Duchesne County. This county was unable to pay their warrants a few years ago and had to call on the State for help. They have taken 11,000 acres out of this poor county, taken it off the tax rolls, and the livestock have been eliminated from the area. Now that's just one example. Another example is an area down at Delta, Utah, where the fish and wildlife came in and bought a strip ¼ to ½ mile wide and 9 miles long. This was an area where cattle had watered since the pioneers went there. They fenced this area and then fenced out around the water a little further than this ¼ of a mile, so that at least 2,000 head of cattle were deprived of water there. There is a county road which runs through one end of it, and they got permission to put a cattleguard on either side so the cattle couldn't go in and water on the county road. That was denied eventually. However, it is a serious matter in our State, buying up these key watering holes in key areas. You have not run into that, is that right?

Bridge: Well, I said, from the Government's standpoint, perhaps we wouldn't run into it. I realize that this may be a problem in some areas, but I hadn't been aware of the situation being that serious.

## WILDLIFE REPORT FROM AREA 2

Wilson: I am representing the wildlife interests in Area 2. I thought I might give you a brief resumé of the meeting that was held at Phoenix with representatives of Arizona, Nevada, Utah and Idaho. That was our third meeting, and we are extremely proud that they saw fit to allow the wildlife interests of our Western States to be represented here. I have found that the sheep and cattlemen are real sportsmen after all, and that by and large the laws that we have are made for only about 5 percent of the men, some of whom still call themselves sportsmen.

I might say that in the 14 years I have been associated with the wildlife interests in the Bureau, I have never found a man in the Bureau of Land Management who was opposed to wildlife interests and when anything serious was at stake, they were supporting them. They are all public sportsmen.

We are extremely proud to have recognition of wildlife interests incorporated into the Federal Range Code. At the Phoenix meeting, we had representatives from the Fish & Wildlife Service, Forest Service and the State fish and game departments. We had an excellent day there and all representatives report excellent cooperation with the Bureau of Land Management. This is certainly true in the State of Utah. I happen to be on the local grazing board, and we are in the hot spot in the Bonneville grazing district. This is because the Dugway Proving Ground was taken right away from our sheepmen, our winter grazing grounds. Adjustments in range use had to be made after the Bureau made a survey in 1954 and 1955 of the conditions of the range there. This year in our local meeting it was recommended that we take an additional 25 percent reduction. Well, they discovered that probably 20 or 25 percent of the operators will be out of business. We went on record as opposing the withdrawal of land, especially in Arizona, for monuments and parks and so on. More cooperation is needed in determining the amount of land necessary for national monuments and parks, particularly in the State of Arizona. Then, I heard they were having a great deal of trouble in the southern part of the State, Brownfield; your people run all those wild jackasses over into Arizona and now they are having a problem in that they can't get them killed off.

Now in the northwest corner of our State, we claim some deer. At one season they are ours because they migrate into that winter range, but in the summer they go into the mountains of Nevada and up into Idaho and so then they claim them. We get maybe two or three counts on the deer there.

## CALIFORNIA SURVEY

A very interesting survey was made by California a few years ago. They wanted to find out if anything is being done in the respective States to find out if there is overgrazing by wildlife. In Utah we have to depend on the desert for winter feed, and I will have to repeat what Jim Bond said, "If you fellows in wildlife will listen to your experts and your biologists and take their reports and follow them, you are going to be 99 and 9/10% right in controlling and caring for the wildlife of your area." He is probably one of our best authorities.

Coming back to the California group who made this survey, it was rather interesting to find that all States permit the hunting of both bucks and does. Some States have it different than others. In our area we had too many deer a few years ago and, as a result, our fish and game people, in cooperation with the Bureau of Land Management range manager took out about 4,700 deer of both sexes. Well, these last few years they have had buck hunting in there and they can't even find any bucks, so we practically cleaned them out. There there is the matter of this great bombing range. The Senator here can tell you more about that. The Navy has been trying to get the northwest part of Great Salt Lake for a bombing area and target base, or whatever it is, and then they withdrew that and now they want another area. We felt that the Parks division and the Army and Navy are withdrawing a great deal of the land but ours was taken during an emergency and when an emergency is set up by Uncle Sam, we don't have much to say at all.

## METHODS OF DEER MANAGEMENT

Coming back to this big game problem, each of the States in Area 2 has a different problem. I discovered that in the State of Arizona, they had either-sex hunting and there were 63,000 hunters that went afield with a 29 percent return. Idaho had 105,000 hunters and they had a 33 percent hunter success. Nevada with its vast open spaces had 34,000 hunters and a 70 percent return, while in Utah we had 123,000 hunters with a kill of 107,800 or 87 percent. The State of Utah had the highest return of them all.

Now we have set up in our State 62 specific deer herd areas and each year we determine in our survey with the Bureau of Land Management representatives and others whether the area used by deer, as well as by cattle and sheep is being overgrazed. This will determine the number of deer to be taken from that specific area. Last year we registered in 13,792 hunters from California at $40 a head, so that helped us out. They bring their refrigeration trucks in, get their buck and their doe, and when the truck is full, it is carted off to Hollywood or Los Angeles and put in cold storage. When the man gets back, he has a ticket and can go claim his deer just as you would a hat or coat. In some places they have tried to discourage this but with ½ million deer, and a 25 percent removal, we didn't quite take the increase. In our four States the problem fundamentally is the winter range and the one I happen to be locally interested in is probably one of the toughest of the 11 districts in the State of Utah. By the way, to show you further how the Bureau has cooperated with our fish and game interests, a group of these sportsmen had the very happy idea that out in the Goldfield area, there was public domain on which they might transplant 25 or 30 elk. Well, after going over the area, the feed was all right, but the area was too small, so the Bureau turned down the transplant.

## STATE - FEDERAL COOPERATION

Brownfield: Mr. Wilson, may I ask you a question? The point of the issue is, what are we going to do for cooperation between the State game commissions buying and taking land off the tax rolls? Have you got an answer to that?

Wilson: No. I only learned about it a couple of weeks ago. I might say our Senator is the sponsor of a bill which provides that if they get a half a section of land, they must advertise that in the county in which they expect to remove it from. I think by and large our sportsmen want to cooperate in that because whatever might be done in a legislative way that will be detrimental, they won't go for. Now if you other States have that problem, I don't know anything about it. I don't have any answer to that.

## TAX ON STATE FISH AND GAME LANDS

Christensen: I might tell you what we did in California. We put out an in-lieu tax on those fish and game properties that they acquire. They go ahead and acquire them, but they pay our county an in-lieu tax on them.

Brownfield: We are making that effort in New Mexico.

Horn: I would like to ask Mr. Christensen if that is just a school tax or is that something in addition?

Christensen: No. It's for the county government.

Horn: In Colorado we do handle the school tax in the same way, only just a school tax is all we have been able to collect. We haven't been able to collect the full tax like we would from the owner if it was a private individual.

Brownfield: I think you will find, as you dig in, that the State game commissions are set up by the State legislature. The State legislature could, in turn, make it possible for the game commission to render their real property. We are making that effort in New Mexico. You will find now the funds that are coming into their possession are under the Pitman-Robertson Act. Many of them claim if they buy land with that money it can't be put on the tax rolls, and they are limited because it is a Federal Act. I think we should look into that, and I believe that would be the very best system. By agreement they can render their taxes or by State legislative prescription, they can force it on the tax rolls, and I think that may be one answer.

Woozley: We had a case of that kind in the State of Idaho, while I was over there, I think Mr. Waddoups recalls it, where the State fish and game department bought some property that was on the tax rolls. They agreed to pay taxes and did pay taxes for a year or two and then the case was referred to the Attorney General and he ruled that State property was not subject to taxation. Finally, through agreement it went to the Supreme Court and they ruled that it was unconstitutional to tax State property, so we would have had to amend our constitution before we could collect any taxes on lands owned by the State.

### WILDLIFE REPRESENTATIVES - STATE ADVISORY BOARD

Wilson: Well, I don't want to bore you further, but there are two or three other points. One recommendation that I was to report here, we found that in some of the States that I happen to represent that we did not have sufficient cooperation in the grazing districts from the wildlife representative there with his State advisory board. We plan in our State, when we have the State advisory board meeting, to invite the wildlife representative from each of the 11 grazing districts. They can meet and discuss their interests and their problems, and in that way we should get greater cooperation within the State. Now we do have excellent cooperation with our State fish and game commission. We are happy, as the Senator knows, that last week the Director of our State fish and game department was awarded the Bridger medal for conservation and game management.

We have a big game board representing cattle, sheep, forest, BLM and wildlife interests, and they are the ones wo determine in these 62 areas how many deer we are going to take after they have conducted public meetings. From the five areas or districts throughout our State they can get reports of sportsmen and other local people which are used as a basis for determining how many deer and elk need to be removed.

Our representatives from the four States of Area 2 are proud of the fact that we are part of this national organization. We solicit greater cooperation and whatever we can do to help promote the wildlife interests and at the same time not impose upon our fundamental stock growing interests and the operators, that's what we want to do.

## GAME VS. FENCES

Evans: I would like to ask Mr. Bridge if the Bureau of Land Management is making any study of the divisional fences and gates that cross Wyoming. It is my opinion and also the opinion of serveral other sportsmen and conservationists that the gates in these fences could be improved because the natural drift of antelope is from the southwest part of the State to the northeast part of the State and back. In some areas, it is quite great, and in other areas, it is more or less confined, but by considerable study I believe if the gates were put in on a slight angle from northwest to southeast in the direction of the drift, that if these animals are going to be pushed up there by storms or by natural inclination, they would get through the gaps much better than if it's a straight line gate. This would also be true for livestock when they are moving back and forth.

Bridge: Well, to answer your question, Mr. Evans, we are not now making any study of this matter. As you know, several years ago we had considerable trouble relative to antelope-sheep type fencing in Wyoming, and, at that time, we had a biologist in the Fish and Wildlife Service, Mr. Rouse, come in and conduct quite a study of the entire matter. He spent literally months in the field in Montana and Wyoming and, as a result, he came out with a recommendation as to the type of fences and gates we should construct. The Bureau adopted his recommendations as the minimum requirements for fencing, and, to the best of my knowledge, there has been little more done on it since. Now if, as you say, it is still a problem and if the antelope are suffering, I don't believe you mentioned that specifically, why perhaps it is a matter that should be studied further. I am sure that, if this is so, we can get help from the Fish and Wildlife Service and our own people and the livestockmen should be able to get together and probably improve the situation.

Evans: Well, I don't want to take the rest of these gentlemen's time, because livestock to them are dollars and cents, but, if you could spare a few minutes, I would like to talk to you about it before I leave.

Salyer, Fish & Wildlife Service: In the present organization of the Fish and Wildlife Service, we are setting up a branch to do nothing but give cooperative service in those kind of studies. We will have more manpower and more opportunity to cooperate with other Federal and State agencies in performances of that kind. I think you have got a good practical suggestion that would augment what has been done before and it deserves looking into.

Evans: I am satisfied that it will work.

Kerr: There was one phase of this problem of migration of game that came to my attention when I was out in Wyoming last summer. I sat in on a meeting which the State Supervisor and other representatives of the Bureau of Land Management had with the State highway commission. The highway commission had asked for the meeting to discuss with us the plans that should be made for the new freeway across the State. It will be constructed under the new Highway Bill. It was contemplated to be at least a four-lane highway. The State highway commission had had their engineers out and visited our grazing district offices, and had worked with the State game people. They can see the possibilities of difficulty from the natural migration of game across this highway which runs east and west while the migration, particularly of antelope, is as Mr. Evans pointed out, from the northeast to the southwest and return. They feel that the highway must be fenced stock and game tight as protection to the public users of the highway. To provide for the necessary movement of livestock and game, they proposed underpasses or overpasses. They held meetings throughout the State to ascertain what the movements of game were, the natural movements and numbers, when the movements took place, and then the need for livestock crossings. I think that is going to be a problem more and more as we get into the public land States where these freeway highways are built, and we are going to have to have close coordination between the highway people and the game and livestock people in order to take care of the natural conflict of interest.

## ADVISORY BOARD ELECTIONS

Brownfield: Jerry, you might as well remain standing; you are next. Advisory board election procedures and new and proposed amendments to the Code.

Kerr: Thank you, Mr. Chairman. When we issued the new Code and the instructions on elections which had formerly been incorporated in the Code we made some errors, or our wording was not clear enough, and it raised a number of questions from the field on how these elections were to be held under the different procedures. You will find copies of these instructions in your kits.

As a result of the first question, which was relatively simple and was taken care of readily, a number of questions were raised and finally we decided that the only way we could settle the thing was to refer the matter out to the districts and get a report from each State and district on just what they thought of the election procedures, the confusing parts of it or the conflicts, as they saw them, or differences in the instructions as related to the practices that they had adopted. You will find in your kit a synopsis of the responses that we got from the field offices, and you will note that there are about as many differences as there were people reporting.

One point that I think we should have your ideas on is the nomination of advisory board members under any plan, whether it's at the nominating meeting or nominating by mail, and then the voting. The instructions that have been in effect from the beginning provided that the nominator must be a qualified applicant for grazing privileges in the precinct in which he made his nomination and qualified to vote, but did not require that he be of the same class of livestock. We have run into difficulties in some of our districts because of the decrease in the number of sheepmen permittees. In some districts only two or three permittees, two sheepmen in Arizona 3, and in all of the districts, there has been quite a reduction in the number of sheep operators. That has created a problem in getting the nominations. In this one case there is only one sheepman who ever takes an active part in the election; he is now a member of the board. Now what are your ideas on the nominations? Would you favor requiring that the nominator be of the same class of livestock as the nominee he puts up?

Lee: I think, Jerry, to understand the question you asked, you must go back to the origination of the act when we had a tremendous fight over the public domain and you had in many States a very bitter fight between cattlemen and sheepmen operating on the same range. This act is what put an end to that because they could both sit down at the same table and one nominate the other and they picked out men who were broad minded to serve on the board regardless of what livestock they had and now in most cases most have both, particularly in the Southwest Now lots of places they don't. Whenever you start to do like the Forest Service has done to make an individual rule for everybody you have broke down the background of what this law is. This law is a broad law. The conditions in Montana are entirely different than what they are in New Mexico, or what they are out in California, to what they are over in Colorado, and the looser you can make it to where men can sit down at a table whether they are a cowman or sheepman or a gameman and where they can sit down and work together and not be classified out, the better the laws are going to work. Now your laws are going to break down anyway. When we passed this law, the population in the West was very small. In our State it was 350,000; now it is 750,000, and in ten years, we will have a million. Out in California you will be larger than the State of New York in ten years, so with those people grabbing for land you are going to break your law down. People are going to buy it, the Army is grabbing it now, someone else is going to grab it as soon as they finish. Whenever you start to draw on classes inside of here, I don't care whether he is a gameman, or whether he is a sheepman, or whether he is a cowman, then you are wrong because the classes have to be represented and if through no condition of their own, or drouth, or prices have driven down the sheepman to build those numbers back up for national defense purposes. You have got to think big in this thing, you have got to think open and you have got to make it as much a democracy as you possibly can where everybody can come in wholehearted, feeling good, not because John Jones was a cattleman and he was against Tom Smith because he was a sheepman. You have got to make it broad and whenever you tie that election down too much then you have lost the whole basis that has brought order out of which was very, very bad chaos, and I would oppose it very much. Provide that anyone is qualified out of the precinct where the representative comes from. Either class, it makes no difference, because you have got to cooperate, you cannot draw lines.

Kerr: When it comes to voting there, Mr. Lee, well, I won't tie this into you necessarily, but the present regulation provides that voting shall be by class of livestock.

Lee: That's perfectly all right, because you have tied to a man what he is basically representing. The man goes to the legislature and he is elected there probably as a Republican and from a certain district, but the minute that man takes his oath of office to be a member of the legislature, he belongs to that State. It's overall, and he is to forget whether he is a Republican or Democrat or his precinct. He is to do what is the best for the most, the good for his State generally, and it is the same of this board. The minute you are a sheepman or a cowman or a gameman and you come on this board, you forget your precinct, you forget your livestock, and what you are doing is best for the industry. If you can't get men on this board that can have that conception, then we are sunk. We will go back to chaos again. I have never seen in all the years one single man ever try to put it over on another class of livestock.

Wyatt: Mr. Chairman, I will refer this to Mr. Lee. When a man is elected to a board, he passes on an overall vote in the district; he is passing everything in the district. Now I, as a permittee, ought to be entitled to pick that man regardless of livestock in any precinct, not only my own, but any other precinct. After all, the man elected is going to pass on those things vital to me. Therefore I contend that it is the same as your county commissioners. They are elected by districts in many States and when they get on that board they are voting on the district as a whole. Why, then, shouldn't anyone in that district be entitled, within a party, to get up and nominate that man even if he isn't living in the district? That is the way it is done in Colorado. I believe that could apply here in our nominating. I would have the right to nominate a cattleman even in the district where I am not living. After all he may be passing on things vital to me.

Kerr: The present voting system is that you vote district-wide, that is, the cowman votes on all the cattle nominees and the sheepman votes on all the sheep nominees in the district. That is the regulation as it has been.

Lee: That's the way it should be.

Arrien: There is plenty of chaos, regardless of what Mr. Lee says. In our district the sheepmen are outnumbered 30 to 1. I will go along with your statement, however, and the further statement of Mr. Wyatt here inasmuch as when we decide or discuss an issue, we will pass on a cattleman's point of view, too, if we know anything about the situation, and I think from that standpoint it is most important.

## PROPOSED CODE CHANGES

Kerr: Well, I believe that takes care of the situation, and we will get into the proposed revisions of the Code which follow right after on the program. We discussed the parallel use provision which we wanted to go into and which you have indicated your approval of. We will revise the note as suggested by Mr. Tudor yesterday to affirm the action taken in these other districts, that is Utah 1, the Oregon districts, and Montana 5, so we won't go into any further discussion on parallel use.

## BASE PROPERTY REQUIREMENT

Kerr: Now the next revision is of 161.2(k), that is in Definitions again, 161.2(k)(3)(ii). The way it is worded now, it is definitely in conflict with the provision in (i) and the rewording proposed is intended to clear that up and I believe it does. The new wording is a replacement of the wording on (ii). I might explain that while we have set a minimum base property requirement in our districts that many of the users during the priority period used their base property much more than this minimum base property requirement. They established thereby a specific number of AUMs which is covered in (i) of this section and it is our thinking that the extent of use of the base property should continue if it is to fit in with the adjudicated privileges and to harmonize with the prior use which was established. Are there any questions?

Nadeau: Does that eliminate that substantial use requirement then?

Kerr: No. That is in a later provision in the Code.

Nadeau: Well, I was just wondering where you are required to use the full extent of the base property.

Kerr: No, that isn't intended, use it to the same extent, that is, as an example, in a district you have a base property requirement of five months, an operator had lots of base and he used the base property for six months and his use of the range was therefore restricted to only six months or less in many cases. What we are wanting to do is see that the six month use of base property is retained. The substantial use provision isn't affected at all. Section 161.6(e)(7) of the Code covers the substantial use requirement. There is no conflict between this section and the amended definitions.

## NON-RENEWABLE LICENSES

Kerr: If there are no further questions, we will go on to a revision of 161.6(d). That relates to non-renewable licenses. I might read it as it is now worded, if you haven't your Codes in front of you. The present wording "Non-renewable licenses may be issued to non-preference applicants only for the period specified by the range manager and for the number of livestock for which range is temporarily available and which can be properly grazed without detriment to the operations on the range of applicants owning or controlling base properties in class 1 or class 2." It is our belief that a non-preference applicant may be a person who holds a license or permit. He has been granted all the grazing privileges that his base property qualified him for. He is not a preference applicant for any additional use, and so he, as well as other people who may not be licensees or permittees, can be non-preference applicants. With that in mind we propose to change the last part, about the last five lines of the section as indicated to clarify the point. In other words, the holder of a license on the basis of class 1 and class 2 properties wouldn't necessarily be barred from a non-preference license. Any questions on that?

## SAFEGUARD OF QUALIFICATIONS

If there aren't, we will go over to the next one which is 161.6(e)(9)(i), that is on page 7 of the Code, the present wording starts out "class 1 base property qualifications, in whole or in part, will be lost upon the failure for any two consecutive years: (i) to offer base property which is not covered by an outstanding current term permit to the full extent of its qualification in an application for a license or permit or renewal thereof, or to apply for nonuse thereof in whole or in part." Now the modification is a footnote which provides that when the grazing capacity of an area of Federal range is less than the class 1 base property qualifications, the disallowance of part of the privilege to meet the grazing capacity of the range will not jeopardize the qualifications of the properties to this extent and an annual application for use or nonuse of the disallowed amount will not be required. The unit adjudication sheets, some of you in the land base States are familiar with them, show the priority and commensurability of the base property. They have columns showing those qualifications for each base property that is offered, and then from that they determine the seasonal use of the Federal range and the minimum base property requirements. Then there is a column showing the qualification of that base for grazing privileges and a column which shows the amount of Federal range that is available for distribution. We are finding that in general the amount of Federal range is not enough to satisfy the full class 1 demand as represented by priority and commensurability. So this column then is the proportionate part of the Federal range that each one of these base properties is entitled to. If you have to take the 20 percent reduction from the class 1 qualified demand to get down to grazing capacity, then that amount is shown in that column. Then the licenses or permits are written showing the amount of Federal range that is available and that the permittee is entitled to use and he is billed for that amount. Now there may be a difference there of 5, 10 or 15 percent between the amount of grazing privileges that are adjudicated to him and his original qualified demand. Under this section as it is written it would appear that the base property in order to maintain any qualification above the adjudicated privileges would have to apply for nonuse. We don't want to go through that procedure every year. The range isn't there. We hope it will be, with good management, improvement, reseeding and so on, but to forestall the necessity of the applicant making application each year for the above qualification, we can put this footnote in to protect his interest.

Stringham: Mr. Chairman. May I ask Jerry a question? Why are we going into all this detail? Aren't we through setting these fellows up? I can't understand why we have to go into all this detail again after these many years.

Kerr: Well, in many of the districts the reason for it comes about entirely, Bry, because we haven't as yet made an adjudication. We have still got our ranges overstocked. We are having to reduce them. How are you going to reduce them? If a reasonable, correct adjudication had been made in the first instance of all users and each one of them had been adjudicated his proportionate share of the range, then all you would have to do is make your reduction down to grazing capacity, but unfortunately that wasn't done in many cases. That's the reason for it. Let me cite an extreme case as reason for not wanting to continue carrying that entire class 1 qualification on. In one district when the adjudication was made in 1941-42 it was ascertained the commensurability of each applicant's base and his priority and that was set then as the class 1 demand of the individual without any reference to the amount of range that was available to satisfy that demand. In unit after unit they were issued permits for 100-200 percent more than the range would carry. The range wasn't there in the beginning, it isn't there now, and it probably never will be there, not to that extent. Now that is the reason why I feel that when you set out your qualified demand in your adjudication if it is properly done now, that represents the proportionate share of the Federal range use that is available to each one of these applicants, and we might as well be realistic about it and set that then as the qualified demand. This proviso is put in, and we are putting it in writing to protect any additional qualification that the individual would have. Now, I hope that that takes care of the thing that you are driving at.

Arrien: Mr. Kerr, I think that in a good many cases in the readjudication of these units it is the belief of the operators that they will through better range practices, reseeding, bring back some of that that will be taken away from them because of this adjudication, that we want to safeguard that individual that qualifies when that adjudication is finished.

Kerr: I believe that this will take care of it.

Heaton: We have the same condition down where we are in Arizona. When these were set up, why the carrying capacity was set up lots higher than it actually was. I know a lot of permittees that have come in and asked to have their range carrying capacity put down to where they felt it really was, for the simple reason that some people in the livestock business there who don't have these permits come into that office and see on your permits continually nonuse, they are going to say why let this man hold it when we can use it and so we have tried to get the carrying capacity down to what it will actually carry. At the same time I feel like the gentleman says, there is a lot of chance for range improvement and I think that this man's future rights should be set up so that he is protected in anything he can do to make that range produce more and while we are set up on a water base there in Arizona like we are, we are pretty well protected since we do have the water base. I think this is necessary.

Kerr: Riley, you had a point?

Pierson: Mr. Chairman, the proposed footnote provides correlary language for what we already have in 6(g) which makes provision for distribution of any increased grazing capacity.

Keith: From the standpoint of the districts, the very decided advantage of this is that if you are adjudicated to the grazing capacity and you apply for nonuse in excess of that the district range manager has no alternative but to reject the nonuse. So then automatically, Julian, you have the nonuse that you applied for rejected, whereas in this case as we see it, you have it protected.

## READJUDICATION TIME LIMIT

Hay: Mr. Kerr, we discussed this at great length at our last meeting. My thinking is that if we have got a problem of any kind it should be dealt with. At our last meeting we agreed that we were going to try and stabilize this thing and we had the proposal that from now on if a man had a permit, that was it. We also felt that the statute of limitations should also run against the Government as well as the permittee and I don't think we should lose sight of that. Understand I am not objecting to making the livestock industry fit the range, I have no quarrel with that, but I do think that the time has come that we can't constantly keep reopening these adjudications. I think we have had enough of that. If you don't have them in effect now you never will have. So I would recommend deletion of the words "as finally and properly established." I am very skeptical of that "as finally and properly established". I think we have been going for 23 years now and I think if they are not established it is your fault. It should be established and I don't think we should continuously hold this thing over the permittee or licensee and then go on with it. If we have a problem we can deal with it. But I think if a man has a permit and your range has been adjudicated, then it should be a permit. I think those words should be deleted. That's what we agreed to last time and Dan Hughes had a motion on it.

Kerr: The proposed revision of section 161.6(e)(13), which follows is designed to take care of Dan Hughes' resolution.

Hay: Well, I think these words should be deleted as I've outlined.

Kerr: I might point out to you that District 4 of Wyoming was adjudicated. As far as I know it is correct; they have had term permits since 1943, they were reissued in 1953, there have been checks of base property to see that the production of the base property and the amount of base property originally offered is still in the picture, so that I don't argue with John at all that in his district they are set. But just over the hill from you, John, in the Government Draw unit in the Lander District the range is about 50 percent overstocked.

Hay: The words I object to is that "finally and properly established." I think in these areas that have been adjudicated it is finally and properly established. If we have a drouth situation all the permittees want to take care of that, but I don't think we want to be constantly threatened with this idea of having a group of men come in and readjudicate it. I think those words should be deleted.

## LIMITS ON READJUDICATION BY BUREAU OF LAND MANAGEMENT

Kerr: All right, before you put that to a vote, let me take the next proposed revision, John, which is the one that you were talking about. Section 161.6(e)(13)(ii). The following addition is intended to add stability to adjudications. Add the following at the end of the paragraph; now in that provision, section 13(ii) reads, "The Bureau of Land Management may make such readjudication at any time when necessary to comply with the Federal Range Code for Grazing Districts." That was intended to apply to areas like the Government Draw where there hasn't been a proper adjudication made and it is necessary to get down to grazing capacity. Now the added clause reads as follows: "However, once the grazing privileges in a unit or district are properly adjudicated in full compliance with the provisions of the Code, readjudication will not be required or made by the Bureau."

Hay: Well, I think if you would delete those words you wouldn't have to add that addition to the Code. I think you could simplify it. In one case you say when it is "finally and properly" and in the next case you say it isn't. Why not eliminate the additional section you just read and delete those words in the upper section and it will all be taken care of and that will agree with what we agreed last year. We thrashed this thing out pretty thoroughly last year, Jerry.

Lee: What does Joe say about it?

Tudor: Well, frankly, I hate to say very much about it because I haven't seen it before and I am a little bit disturbed about the language in 161.6(e)(9)(i) because when you speak of base property qualifications as being "finally and properly established" I assume it refers to a situation where a permit has been issued, and if a permit has been issued you don't have annual applications for use or nonuse. The permit has been issued on the basis of the qualification and the determination of the capacity of the range that was there. What this is getting at is the matter of annual application for license. If, in your permit, you have not received all of your qualifications, there has been a reduction of your qualified demand to the capacity. Some provision, of course, is then made at the time you adjudicated your permit. This is another situation you have when you have an application for an annual license. I am not sure that the language quite meets the problem, and then the language John objects to, "finally and properly established", should be clarified some perhaps in the instructions to the range managers to spell out just when the base property qualifications are finally and properly established. What Jerry is getting at here in 161.6(e)(13)(ii) is that the Bureau is apparently trying to meet some of the problems raised last year about the statute of limitation on the Bureau. It is going part way in meeting the requests of the Board; it doesn't go all the way. Remember we discussed that last year, too.

Hay: Well, Joe, do you have any objection to deleting those words in 161.6(e)(9)(i) and eliminating 161.6(e)(9)(ii) entirely? That would do all the things we are trying to do.

Kerr: Now, wait a minute, you can't eliminate (i) because there are many operators who don't use their permit to the full extent. When they don't, they are going to have to make application for nonuse for whatever amount of their permit they don't use. That's what this provision is for.

Hay: I am not objecting to making the application for nonuse. I am objecting to the fact that under this, who in the world is going to say when it is finally and properly adjudicated?

Kerr: I won't oppose your idea too much, John. It may be as Joe suggests, we can issue the necessary instructions to the range managers to take care of it.

Hay: Jerry, I want this thing just as practical as can be on nonuse. If a permittee or licensee is down, he can go in and make his short form application. I want that, that's very fine and we have that already, but I do want to eliminate this constant thing of finally and properly adjudicated. I mean, in five years, 10 years, 15 years, 20 years, every time we had a new group of men coming out, the situation changes.

Kerr: As I told you, John, you are fixed in your district. Now when we get these other districts and units adjudicated, we won't have any need for this continued mauling over of who's entitled to what and where.

Hay: Well, I will have to object to those words.

Christensen: We are right in this now in adjudicating our area, and we are in some real drastic cuts up to 60 percent, and the thing is concerning us because many of those permittees spent a lot of work establishing that priority and that commensurability to qualify them for this permit, and many of them have purchased this land, not knowing that those purchases were subject to adjudication, and some of them were seriously damaged by this. We all know that our range is going down, and we need readjudication, but why do we need to lose that privilege? Why can't we take that on nonuse and see if that range isn't going to come back instead of losing that privilege altogether?

Kerr: That is the purpose of the footnote that I want to put in there--that it is retained, but without the necessity of having to apply for it every year.

Lee: When it boils down, what you are just doing is to protect this like Christensen wants, but you are just getting away with a lot of bookkeeping.

Kerr: That's the purpose of it.

Lee: That's the purpose, it seems like it's all right, and it seems to me like it's all right with John's sentence out there. I don't think it will hurt what you want.

Christensen: If this goes through while we are readjudicating we can relieve the pressure on the range, but those permittees who have long ago established this permit can hold onto it in the event that it comes back.

Kerr: Any surplus qualification that they have that can't be satisfied with the present forage production will be protected under this footnote.

## GRADUAL REDUCTIONS

Christensen: One other point along those same lines that we had done a little bit on the readjudication. When we come up with a 60 percent reduction, it is pretty serious to those fellows and we were in hopes that we could reduce it maybe 10 percent or maybe 20 percent over a period of years and now our latest instructions are that we have to give them the full cut the year that we adjudicate. It is tough on them and it is tough for us to sell. Why do we have to do that?

Kerr: That goes back to the provision in the Code that grazing privileges will not be granted in excess of grazing capacity. We had a hearing on a similar case, McDevitt-Haines Creek Unit in Idaho, in which a reduction of about 25 percent was considered necessary. There wasn't too much argument that it was necessary, but the stockmen felt just as you say some of these stockmen feel, that to take that all in one year was too much of a blow and so the range manager agreed with them that their permit would be issued for the proper amount and then they would be given a temporary license for 10 percent additional. In other words, he was actually issuing grazing privileges 10 percent above grazing capacity. One of the permittees appealed and in the decision the examiner pointed to that provision of the Code which provides that grazing privileges will not be issued in excess of the grazing capacity and ruled that it was improper and that he would have to apply the full reduction.

Christensen: We will have to do that from now on?

Kerr: You sure will, particularly if you have a hearing because the Examiner will throw it right back at you. You might as well, it's tough to face, I know.

Lee: The basic part of your fundamental law is to stabilize the livestock industry and when you cut a man 60 percent or a whole area 60 percent when the livestock industry is in a terrible shape and the Government is trying to support us through hay and every other program to keep us from throwing stock on the market, you are not stabilizing the industry by cutting 60 percent and you can cut them a percent and go down and it will stand up and we will make it stand up. Whoever appealed your case didn't take that basic part of your law.

Kerr: There is the other provision of the law which provides for the proper uses of the Federal range and you sure aren't making the proper use of it if you are permitting 60 percent more use than you have grazing capacity for. Those two changes are in opposition, now the Secretary has primary responsibility to provide for the proper use of the Federal range. Intrinsically that's the Taylor Act. The stabilization of the livestock industry is also a part of it and surely we can't ignore it. Are we stabilizing the industry by continuing to overuse the ranges?

Lee: We are stabilizing it and orderly using it by cutting them piecemeal - by not giving a 60 percent reduction. It says "to stop injury to the public grazing lands by preventing overgrazing" which we all agree with and soil deterioration, "to provide for their orderly use, improvement, and development, to stabilize the livestock industry", and when you cut a district 60 percent, you are unstabilizing the industry.

Christensen: The people who are on us now are local governments. These reductions are really affecting their tax base and they have been after us in our last meetings with attorneys, and they are going to appeal these cases because it is restricting our tax base and is throwing the tax load on the rest of us. If we could get away with it, I sure would like to stick to reduction in steps rather than drastically enforcing it now.

Stringham: Mr. Chairman, if they don't take the 60 percent and they take it by degrees, won't they finally have to go down to maybe 70 percent reduction or maybe 80?

Kerr: There is a very good possibility. You have often heard about cutting the dog's tail off an inch at a time and that's about what you do on these piecemeal reductions. Ches?

### WATERED QUALIFICATIONS

Seely: Jerry, I think we are discussing a problem here that has been one of the complications that has caused more difficulty in the range districts than any other thing that has been done, and I think we have got to take a good broad look at it. Now Brunel here is talking about a 60 percent reduction, and I think that he is talking about his total overall qualifications that each one of them had, and now they have got it all on the board, but they find there is only range available there for 40 percent of them. There possibly never was range there for over 30 or 40 percent. If they would have adjusted to the carrying capacity that the Code provides in the beginning, we wouldn't be talking about these big reductions. I doubt very much that this 60 percent is coming off from livestock and cattle. I think it is coming off these overall qualifications that you are carrying up here in water. Now when we say you go along with the total overall qualifications and you don't have to apply for it in nonuse, you carry it on and I can't see when and how you are ever going to stabilize this industry. I think we have got to look this thing in the face and take a realistic approach to what the range will support and then adjust from there without carrying a lot of fictitious privileges and qualifications.

Brownfield: Seely, what's the basis for the qualifications, based on priority of use, land or water?

Seely: Priority of use and land base--I am not too familiar with the water to say on that, Dee--but there are many ways where these privileges and qualifications were sometimes even doubled during any two years or any three and where the same livestock qualify, two different pieces of land with priority and different things of that kind. People got a hold of it and they say we can qualify for this. I say that privileges were qualified for far more livestock than were ever run on these public ranges prior to the Taylor Act. Now we are going to adjust down by this percentage to get down to what the range will support and we are taking a lot of these water qualifications. Now we want everybody to still carry it and go on with it and we are thinking that these ranges are to be flower gardens some day and we are going to get it all back. There is going to be an improvement, I hope, but I doubt to the extent that you are going to have to get over into these water qualifications.

Christensen: There is no question about priority or commensurability of available range. I will agree with you on your point if it is paper use then you are right, but this is actual use in these cases.

Seely: Well, if we have cases where we have to make an adjustment of 60 percent in the actual use, then we sure made an awful big mistake in the beginning.

Christensen: Then, too, we have had a series of bad years.

Seely: That's true, there are probably some drouth years and I think we have contributed in some areas just as Stringham says. Where we have adjusted a little bit and are coming down on one hand with the stocking, the range and the carrying capacity is going down with us just about as fast and we never are going to catch up. I think you are talking about a very important subject and I think it is well worth a lot of thought and take a realistic look at this rather than think about all this priority and qualifications they had in days gone by. Some areas have set up three months' base property requirements where in reality when you get around to it, they only keep them on it for a month and a half or so. Now there are all kinds of variations and I think the nonuse problem is the thing that is still harassing you people and the reason this thing isn't settled.

Kerr: There is no doubt that it is a critical problem in these areas where they haven't adjudicated and where they are having to do it now, and we, of course, get all the reverberations of it back here. Whenever we make these reductions, there is a big objection and we are asked on every hand why it is that we have to do it. That is one of the reasons we have as much paper work back here as we have. Unfortunately, we don't have any control over it.

Garrison: Jerry, our district was set up in 1938 right behind the dry years of the 30's and it was followed through good wet years of the 40's. The number 2 and 3 applicants that were turned down saw a lot of grass out there through those 40's, and there was a lot of grass. The range managers with the advice of the boards stayed 100 percent to no increase because we felt that we had allotted about the right amount of livestock out there. Then about 1950 we entered a dry period and in that district they have been advocating from a 30 to a 75 percent cut on those same allotments. We are very concerned that when you get this wording in there that in 10 years from now in some wet years they will be trying to put more stock out there and then in another dry period, they will be trying to cut. That is all we are interested in, but we don't feel up there that this cut we are proposing in many instances is justified any more than the raises we have put in. But we do want it stabilized.

Douglas: It seems to me that since you set your program up on a percentage of the available Federal range, and we all know that ranges vary according to rainfall, if each person who owned base properties owned a certain percent of the available forage then you wouldn't be tied to any specific numbers, which is what we do more or less in my country.

Kerr: It may be that you will want to resolve something when you get into executive session on these reductions and so on, but if you don't mind we will go on.

## APPEALS

Kerr: The next revision is on 161.6(e)(14)(ii). All we want to do here is to assure everyone, and you will remember that Bradley took exception to this last year. He said that there was no provision for appeal under 161.9(b) on the first part of section 161.6(e)(14). That appeal provision was intended to apply to both sections (i) and (ii) and the change in the wording is simply to clear that up and to show that it definitely does apply to both sections. Appeals can be taken in either case.

## MINIMUM FEES

Now the next was a revision that the Department's Technical Review Staff proposed just before the January 1956 revision of the regulations was approved. They took exception to the minimum fee of $1 and so in deference to the Department they have a point, I think you will admit. In section 8(b) in the last line just above the note it says a minimum annual charge of $1 will be made on all regular licenses or permits and nonrenewable licenses. The new wording proposed is that a minimum annual charge of $5 will be made on all regular licenses and permits, crossing permits, and nonrenewable licenses.

Lee: Just for curiosity, how much would that increase your money?

## BILLING

Kerr: Very little, practically none, Floyd. Now there are other changes in section 8, that relate to fees, on page 12 under section 8(d). Our auditors, as the explanation points out here, have taken the position that we should bill annually under the regulations and the regulation certainly does indicate that that was intended. It says no license or permit shall be effective to authorize grazing use thereunder until such payment has been made. It says fees for licenses or permits are due the United States upon the issuance of the fee notice pursuant to application and are payable annually at least 15 days in advance. Now in the yearlong ranges we followed the practice, since the beginning of making our billings for the two six-months' periods. Thirty days prior to the beginning of the second period the stockmen had the privilege of requesting a change and they frequently did, so that I think the practice should be continued. Also in some of the other States, Idaho for example, most of their use of the range is spring and fall. The fall use is always problematical and so the licenses are issued. If they are issued on the full season, there will be so much use in the spring and so much use in the fall. I believe now they have changed the practice and they bill separately in the fall, do they not, Ches?

Seely: You get one permit for spring and fall.

Kerr: Then if you want any different use in the fall you have to apply for it in advance. I think that those are privileges that we should continue to keep in effect, and we want to adjust this wording in section 8(d) to insure that that practice is allowable.

Now we get down to the general rules of the range. This is a proposed additional item 8 to the general rules of the range and it reads, "The pasturing of livestock on the Federal range by a licensee or permittee who has no possessory interest or ownership in such livestock."

## POSSESSORY INTEREST

Hay: I have a question, Jerry, for Mr. Tudor. What constitutes possessory interest?

Kerr: What we are trying to preclude, John, is the pasturing of livestock at $1.50 an AUM that the permittee has no interest in whatever. Oftentimes the livestock doesn't use his base property and he pays $.15 an AUM and he collects $1.50. In other words, he is making a cash business out of the Federal range.

Hay: Wouldn't that be a possessory interest?

Kerr: No.

Brownfield: Jerry, I think the Chairman is going to have to question that. Remember way back 20 years ago I carried the poor widow on my shoulders for so long? She is still there. The last five years of drouth, she is heavier than she has ever been and she owns the base property. She has got improvements on it, her husband has been gone for years. She has got thousands and thousands of dollars of investments in this base property and she has got some extra range, not only on her Federal range but also on her private range. Now if she can't accumulate a few dollars by taking cattle into pasture she will never get out of debt. Back in those years, you remember, you were instructed to draw a special rule that would fit the case and you have never done it yet. We intend to fight it because that's the only way our people can live.

Kerr: I knew we were going to get it because in Arizona and New Mexico they have a situation that just doesn't fit the land base areas. In the land base areas you have fairly stable livestock operations. In the water base States, Arizona and New Mexico, as George Douglas pointed out a bit ago, you can't stabilize the rainfall and unless you can you can't stabilize the livestock industry, so that in about 9 years out of 10 down in Arizona in those desert ranges they will stock their ranges around 1 head to the section, something like that, George, 2 or three maybe, and then they will get this 10th lush year and they will have forage running out the ears of everything and everybody and every critter on the range. I saw fat cattle come off that range in 1941, you never saw fatter cattle come off the feedlot than they were, and it was all range fat. You can't utilize all the feed. It's an annual situation and the only way that the stockmen have, as Dee points out, of protecting the interest they have in their water developments, those are really extensive in many of those ranches down there, is to be able to get pasture stock in the lush years and make whatever they can off them.

Heaton: Mr. Chairman, I would like to go along with Mr. Brownfield on what he said. We have a condition that Mr. Kerr has just described in Arizona. Some years we have more feed than we can possibly utilize, and some years we are pretty well cramped and if something like this would go into effect it would really upset our economy in the livestock business. I would like to go along with Mr. Chairman in his statement.

Kerr: Now I would like to make this suggestion, that we get some help from the Council in drawing up a provision that will take care of the out-and-out commercial person who is making commercial use of the range in this pasturing business.

Lee: How would you rule on a partito contract on that, Jerry? Would it cause us to eliminate a partito?

Kerr: No, it wouldn't. A partito is definitely within this definition.

O'Connell: Twenty years ago we passed on this question when it came up and we decided that that was a part of the livestock industry in those Southwest States and that they could continue to do it. Sure when they get the rain down there they have got more feed than they know what to do with. For financial reasons, they can't stop and if Texas cattle want to come in there and use that surplus range, why we agreed at that time that was perfectly all right and it was taken care of by the usual livestock practices in the district. Now, whether you have ever made it official or not, that has been going on for 20 years.

Kerr: I know it has been going on all the time, and the only reason that I haven't tried to write a rule on the thing is because I didn't know how. I have tried.

Swallow: It seems to me, a rule that would prohibit other livestock operating on the unit really stops business as we have known it practically throughout the Western States in the livestock industry, not only in the Southwest but in the rest of the public land States. Actually a rule of this kind would stop an operator from using his best judgment. If he felt that the next year or following year a drop in livestock prices was going to occur, he would retain his livestock against his better economic judgment in order to retain his permit and not be in a position where he had to take lease livestock and so forth, and I think in many instances because of thoughts of this regulation on the forest and other places it has actually stopped people from using their better judgment and I see nothing wrong in commercializing this as long as an operator doesn't have his total AUMs utilized. Bascially, it shouldn't make any difference whether it is by livestock owned by the operator or other livestock on there for feed. I think in many instances a livestock business is stabilized far better by enabling an operator to put livestock and obtain a fee, and I think it is something that we as Council members here should take a pretty serious view of and put our industry on a more basic and respected plane, from a business standpoint.

Kerr: Would you agree, George, that it would be reasonable, then, for the Government if we wrote a rule to this effect that pasturing livestock owned exclusively by other parties could be done but in these instances the fees charged by the Government would be 90 percent of the pasturage charge made by the permittee?

Swallow: Well, in effect, these Federal lands have to be backed up by commensurate property and investments in water base, land base, and in order to maintain these grazing privileges a rather large investment is put into the situation by the livestock operator, so therefore the operator would be entitled to whatever revenue after the grazing fee is paid and I don't believe we should view it as commercializing on the Federal range. In fact, the Government happens to be the landlord in this instance and all we do in order to work out halfway properly the laws of economics is just sublet when necessity requires it.

Brownfield: I would like to answer, Jerry, this way. That if the Government feels that they should have 90 percent of what the operator might get off the Federal range, then the operators in my country would say OK you take your own land and fence it. We will do without it and if you spend $1,000, $1,500 or $2,000 for fencing, improving it so you can get stock on it, why you are welcome to do it, but if you deny individuals the right to take in stock I would say you will put 50 percent of our people out of business and they are the people that have the investment and aren't they entitled to a fair return on their investment? They are not commercializing. The word commercial might be apropos but how are we going to use the Government's land? They haven't got the finances. They try to get back in business, they have got a few cattle and they got room for more. Because the pasture isn't fenced, it is intermingled with private land and State lease land and the only way you can stay off it is to fence the Government land and it costs thousands of dollars to do that, whether the Government fenced it or whether the individual fenced it.

Kerr: I know there is a distinction between land base and water base operations that must be taken into consideration in this. You know in writing the Code we used to get Ed Pierson, who was the Regional Grazier down in New Mexico, off to one side and try to keep him out of it because there wasn't hardly a rule proposed that didn't conflict in some way with New Mexico, but, in this instance, any livestock put on a ranch down in the water base States uses the base property. There is no question about that. They are getting the benefit of all the investment that these stockmen had to put in in water and in fences and so on. In the North we have commercial users, George, that now and again catch up with us, who are just out and out speculators. The livestock never see the base property at all.

Swallow: I am wondering if there is anything basically wrong with that. This thing rather cuts a little deeper with me. In 1951 and 1952 my better business judgment told me to sell all my livestock. I didn't do it for the reason that I didn't want to risk my permit. I still own the livestock but had I used my business judgment and sold at that time and rented my forage I would have been in a much stronger position economically, and I think that would have been the case throughout the Western land States and I think this thing should be flexible and put on a business basis. If it is not on a business basis then it is not stabilizing the livestock industry.

Brownfield: I can give you the name of a party who holds a forest permit in Colorado, who is bankrupt today because the Forest Department demanded that he keep his cows that he had permitted out in the forest to eat the hay that he grew on his farm and because he was forced to keep those cows, and he was offered $300 a head for them. Today he is bankrupt and his better judgment told him and he went to them and asked them to let him sell his cows and they said no, they would take his permit away from him. Now that boy is broke today. I can give you his name, he will tell you the story.

Hay: Jerry, Wyoming is a land base State and we will have to object to this rule.

Kerr: I wouldn't be surprised. You have got one lady who is doing exactly the thing that we are complaining about. Now take this into consideration. You have got a lot of people out there who have ranches, and they don't have any grazing privileges. They are as much entitled to them except for the fact they weren't using it during the priority period, as the rest of you were. Now to protect those of you who have your qualifications, fine, that's good, that's our business. Is it our responsibility to apply or supply the same protection to people who are not in the livestock business? They really aren't. They have got some base property, that's all they have, and they are selling their range rights to those people who do own stock who do not have a range permit. Now I don't think that's the kind of thing that the Taylor Act contemplated or that we should put up with.

Brownfield: Well, they are doing it to get back into the cow business.

Kerr: If you are going back down into New Mexico again. These people that I am talking about aren't going back into business, they never will be.

Lee: Jerry, can we take this, almost all of your agricultural colleges now, as far as the livestock industry goes, are advocating that you keep your base herd at about what your range will carry on a 10 year overall basis and then when you get drouths it will carry down to where your low point is your base herd and then you buy or rent out increase on these good years but your base herd is kept the same. Now if people follow these practices the colleges are advocating, then they will have to bring in livestock in good years and keep their base herd about the same through the years and not try to follow it up and down with the base producing herd.

Kerr: Now that practice I couldn't object to, Floyd.

Lee: Well, I think now what I am trying to figure out is a way to write the rule to get at what you are trying to get at. What you are trying to do is take from this level and cut off that little bunch that is commercializing on it, is that what you are trying to do?

Kerr: No, that's not the type of operation I had in mind at all, Floyd.

It is the kind of operation that has been going on for years. They have tried to keep it going and in some instances they have where it is strictly a commercial operation. They don't have their own livestock.

Lee: Well, that would be in that case, but you are not against the man keeping his herd at what should be the proper carrying capacity at his low ebb and then supplying to make up differences?

Kerr: No, that strikes me as being just good husbandry and a practice that should be fostered rather than altered.

Lee: But the way you have got this worded would prevent that, wouldn't it?

Kerr: It probably would.

Christensen: Is this law or rule enforceable when it's so easy to change the ownership of these stock? I find that with my forest permits I can show ownership to cattle that really I don't have.

Kerr: A rule like this fosters phony leases or sales, there is no question about it, and you can't beat them. Ed Kavanagh, who most of you fellows know, was well versed in that sort of thing when he quit the Forest Service because that is what the stockmen had to do, and he said you can't enforce a livestock ownership requirement. But we have got some few problems and where we do, we want to hit them. Let's drop the thing and maybe you fellows can come up with revised wording. As I pointed out yesterday the primary reason for this was that a Departmental investigator on a case in Montana was told that our district people had advised a permittee he would not be permitted to take in on a pasture basis livestock owned by these other people who were up on trespass charges. He had gone through the rules and the act and he couldn't find anything in the rules that would require ownership of the permitted livestock. Now there is, as I pointed out yesterday, wording in the act which very well could be interpreted to require livestock ownership. It reads, "The Secretary of the Interior is authorized to issue or cause to be issued permits to graze livestock on such grazing districts to such bona fide settlers, residents, and other stock owners as under his rules and regulations are entitled to participate in the use of the range." Now by inference you are only going to issue the permits to stock owners and some of these people are not stock owners.

Lee: Well, that was put in intentionally, and that was struck at the railroad companies and the insurance companies when we put that wording in.

Brownfield: Just a word, Jerry, if you enforce that kind of rule, you will remove your base property qualifications and tie it all to the live animals, just as sure as the world. Now you have set up individual allotments down in my State under the water rule and we have got so much Federal land attached to our base properties and when we sell or mortgage or transfer our base property we don't have to transfer the Federal land. It automatically transfers with the base property. Now the man has a permit and he is the only one who does have a permit or any right and privilege to use that Federal land. You are guarding and conserving the Federal land to see that he doesn't punish it and overburden it and you shouldn't be interested in who owns the stock. That's the only way the man has got to make a living and pay his taxes. In our State we have to pay taxes on the livestock that run on the Federal land, we go out and develop it and put up a tank or windmill or fence. We have to pay taxes on it, so the State is getting the benefit, the county and schools are getting the benefit, and the government lands are not being overburdened and a rule like that will create subterfuge. We will go out and do like we do on the forest. They will bill-of-sale their livestock to the individual that has got the right and then they will contract it back at the end of the time for the amount that is necessary to pay the grazing. You can't beat them.

Kerr: I would suggest this, Dee, when you do rewrite this rule that you start out by saying that except in the water base areas, this and this and this applies.

Brownfield: Well, it has been hanging fire since Dick Rutledge was the Director and he asked you boys to draw the rule and write it.

Hay: Mr. Kerr, we have thrashed this one out; my recommendation would be that we eliminate rule 8 to 161.11 till time comes to act on it.

Kerr: That's all right. You can eliminate it if that's the wish of the Council. I knew I was going to walk on some toes when I proposed this, so I am not surprised.

Brownfield: I am willing to help you any way I can to protect the Federal land, but let's not kick out all the poor widows and orphans that are trying to make a living on their base property in connection with the Federal range.

## FIRE PROTECTION

Kerr: Here is another rule under the rules of fair range practice that was proposed by the Department. It would be 161.11(b) and this would be number 4. "When so requested by the State Supervisor or range manager the licensee or permittee shall join with the Bureau of Land Management in preparing a fire plan which will set forth in detail the plans for prevention, control, and extinguishing of fires, including the responsibility of the licensee or permittee for action on his range allotment and on adjacent Federal range." Now that is just a spelling out in the rules of fair range practice, a practice that has been set for a good many years, but our defense head here in the Department felt that we should have it in the regulation, we have got it in regulations of other Bureaus and I don't believe that it is objectionable.

## CRICKET CONTROL

The next one, also a rule of fair range practice. It relates to a cooperative agreement between Department of Agriculture and Department of Interior in grasshopper and Mormon cricket control. It would be the new item number 5, "Licensees and permittees in grazing districts shall provide equitable cooperation (equitable, remember that), in grasshopper and Mormon cricket control programs conducted on the Federal range by the United States Department of Agriculture, that Department to report annually the cost of the campaign by grazing districts."

Kerr: I assume that the Council would prefer to consider these proposals in executive session and whatever your wishes are, we would like to have them, and also if it is agreeable with you we would like to have your views on the section 161.6(e)(5) that I mentioned to you yesterday. "In the event of range depletion resulting from drouth or other causes the grazing privileges that may be exercised under any license or permit may be reduced in whole or in part and for such period of time as may be necessary." As you will recall, I stated yesterday that to my knowledge that provision has never been put in operation and we would like to have your views as to whether we are wrong in failing to do so. There are a number of stockmen that I have talked with as I told you who feel that we should do something about the situation at this time.

Lee: Can I go back to number 5 before you get off on that, Jerry? You say equitable and emphasized the term. Now when you have made an agreement with the Department of Agriculture to come in for instance on your grasshopper control and you make a deal for the Department of Interior to pay so much and the Department of

Agriculture to pay so much on theirs and then that is going to assist the permittee so much, is that what that is intended to do? He has got to pay so much cash for that grasshopper control?

Kerr: The agreement as it reads says equitable cooperation from the user. I think that is something that would have to be determined in each case. Do you have any knowledge on that or experience with it, Riley?

Pierson: What it means is equitable to the extent that the range user may be benefited by the campaign. It is up to the Department of the Interior to determine whether it is apropos. The Plant Pest Control Branch of the Department of Agriculture would set up a campaign and attempt to secure cooperation from the State, from the Federal agency, and from the local residents. Now what proportion they might be participating in might be left up to the Plant Pest Control Branch people to make the determination.

Lee: Well, my point was this, if they are in cooperation with the other Department and they have to go proportionately into it, the poor fellow that is using that range is liable to be destroyed. I was wondering if this rule is wide enough so that a fellow could contribute something but doesn't bind him down to where it will bankrupt him if he happened to hit in an area like they were working that halogeton area.

Kerr: Jack Keith had some work there in Idaho where the stockmen did contribute to the program. How did they arrive at the amount that various stockmen would contribute, do you remember, Jack?

Keith: Yes, I do, Jerry, and I wasn't very well satisfied with it. I believe the wording should be a fair and equitable portion as agreed between the livestock operator and the Department of Agriculture. In this case they figured a proportion of the costs, but of course they had no way to collect it and furthermore there was no agreement as to what was reasonable and equitable between the user and the Department. I, for one, am agreed that if it is equitable the livestockmen will contribute, and in this case they did very willingly. I believe if the wording was such that equitable is spelled out as an agreeable sum or proportionate share, worked out between the agency and the livestock operators, it would be much more acceptable.

Lee: There is always some fellow anyhow who won't go in on a grasshopper or weed control project. Are you trying to get at some way to make him pay his proportionate share? I was trying to see what your long-range plan is. What are you trying to get at here? Are you trying to force that fellow to pay his share, or what are you trying to do?

Kerr: No, that wasn't the idea. It was just the overall problem that I was trying to get at, Floyd, and I didn't have any individual in mind who wouldn't cooperate. Lee Nadeau.

Nadeau: We were contacted several times by the Bureau of Entomology out at Denver, and they were pretty insistent in their requirements that we cooperate in the grasshopper control program. I think we finally did go in a little at Shoshone, but just for your information the way they put it up to us was this: The Department of Agriculture receives a given amount of money each year for that program. Ordinarily it is much less than they could use, and in the appropriation language, as we understood it, they are asked to solicit 50 percent cooperation on all their control work. Now they undertake to get this 50 percent cooperation and they obtain bids or applications from any number of areas. Whereever people have the grasshopper problem and want control work done, they offer what contribution they feel that they can make. They run from 10 up to 50 percent. Then it is up to the control agency itself to select those projects that they will work on. He said ordinarily that unless it was an extreme emergency situation, they selected those areas for control where they were offered the highest percent of contributions.

Lee: The agreement he is talking about wouldn't be in the Code at all. That is an agreement between the Department of Interior and the Department of Agriculture. The reason you have got it in the Code is to throw some of this burden of raising that money down on the permittee and that is what I am interested in.

Nadeau: I think what I have talked about here is strictly between Department of Agriculture and any agency, BLM, or any other Federal agency or State agency or private land owner.

Lee: But that wouldn't require it to be in the Code if you made an agreement with the Bureau of Land Management.

Nadeau: This is new in the Code.

Lee: That's what I said and if it is going in the Code, then it is to do with the man that has a permit.

Nadeau: Well, the Department of Agriculture has that requirement that they solicit 50 percent cooperation and they figure they can get it and if they can't get it in an emergency situation they can go in anyway.

Pierson: Jerry, one more thought on that. At the time this cooperative agreement was proposed several years ago we made a complete canvass of all district advisory boards as to their opinion on what participation the range users would indulge in on the cooperative campaign, and the response from the district boards was almost unanimous that they would cooperate. That doesn't necessarily mean contribute cash money, it might be hauling some bait or taking the control people around the place and things of that kind. In the Bureau's participation the Comptroller General ruled that we cannot furnish any money and only recently we had a ruling or revision of that ruling that we can participate to the extent of providing some transportation, personal services and so forth. But as long as appropriations are made by the Congress to the Department of Agriculture for this work and we have nothing in our appropriation bill authorizing insect control campaigns, we are excluded from making any cash contributions.

Tudor: I have a few questions here. It disturbs me as a lawyer because we have to enforce these things and the language that is used in the regulation as adopted is the thing that is going to tell us whether we can enforce it or can not. Now I am not sure I understand just what the proposal is, but as I gather it you are going to request cooperation by the licensee or permittee on this program.

Kerr: These are rules of fair range practice and we are requesting cooperation.

Tudor: Well, even more than that because violation of the rules requires action on the part of the Bureau because it says, "he shall comply with these rules of fair range practice", which means if he does not he jeopardizes his license or permit. Therefore, it is not merely a request but a requirement of the Bureau. Now you are requiring him to cooperate in such a program and it is an equitable cooperation then it makes it difficult for the Hearing Examiner, the Director, the lawyers and the court to decide what is equitable cooperation unless it is spelled out in terms that are understandable. Some of you folks indicated that it is a matter for the States, the States should tell each stockman what he should pay, what is equitable cooperation. If you are discussing payment on a contributing or cooperative basis it is one thing, but I am just wondering, Jerry, if what you are aiming for couldn't be better provided by 161.17 on contributions. The State Supervisor may accept contributions under section 9 of the Act, either equipment or money, toward any of the Bureau functions in administering, improving and protecting the public land under its jurisdiction. It may be that I missed the point of this particular program. Are we asked to enforce the program by possibly canceling a license or permit?

Kerr: They don't ask that. They have at times indicated that they wish we would cancel a license or permit for failure to cooperate.

Tudor: If you are asking for cooperation, you get that under 161.17 in the way of contributions. If you want to enforce then you will have to put it in number 5. There is a difference. You might have to spell out a little bit the basis for this cooperation. Give the range manager the yardstick by which to determine what is equitable cooperation.

Kerr: Well, if we could do that it would seem more for the benefit of the individual stockmen than for the lawyers, or at least that would be my contention.

Hay: Well, Mr. Kerr, I think there are too many unknowns here, I think that should get the same recommendation as the preceding one and be rejected when we come to it.

Wednesday, P. M., February 27

## HEARINGS PROCEDURE

Graham: Thank you, Mr. Chairman and Council Members. In his opening remarks yesterday Director Woozley mentioned briefly that in the past year there have been certain changes which have affected the Bureau's hearing activities, the changes being of such a nature that we feel that some revision of the Federal Range Code as it relates to hearings is necessary. We would like to discuss with you rather briefly the changes that have taken place and why we feel that some change in the Code is wise.

First, just by way of a little background information so we can see what the problem is, section 161.10 of the present Range Code provides for hearings in appeals from decisions of the range managers, spells out procedures relating to hearings, and provides for the use of hearing examiners in holding hearings. The holding of hearings in grazing matters is based on section 9 of the Taylor Act which specifically provides for local hearings. The regulations now in the Code relating to hearings in grazing cases and having the hearings held by a hearing examiner are based on the Federal Administrative Procedure Act. That act was passed or approved in June 1946. The purpose of the act was to prescribe fair administrative practices which would be observed by all Government agencies in proceedings before them which involved hearings. As pertinent to our immediate discussion the major provisions of the Administrative Procedure Act are these: First, section 5 of the act provides that in every case of adjudication which must be determined on the record after opportunities for an agency hearing and then certain procedures must be carried out including due notice to the parties involved, the opportunity to appear at the hearing, cross-examine witnesses and so on and so forth. It was because of this requirement of the Administrative Procedure Act that we have the rules in the Range Code relating to hearings. Because the Taylor Grazing Act itself provides for hearings and the Administrative Procedure Act provides that where a hearing is required by statute then you do thus and so as spelled out in the act.

The other major provision of the act as pertinent to our discussion is the use of hearing examiners as provided for in section 11 of the act. Every person who is appointed as a hearing examiner anywhere in the Federal Government has to qualify in a competitive examination given by the Civil Service Commission and ask to be certified for appointment. The examination is rather a rigorous one and extends to the judicious temperament of the applicants as well as to their ability and experience, particularly and specifically in the field of administrative law. The examination process and the provisions in the act relating to examiners are designed to assure that hearings are held by individuals who are entirely capable and competent.

Last year the Department had before it on appeal a case in which there was raised a question of whether the Administrative Procedure Act applied to cases involving contest actions against mining claims. For many, many years the Department had been holding hearings in contest actions against mining claims. The procedures relating to the hearings as set forth in the Rules of Practice of the Department as they were changed from time to time down through the years very closely paralleled the requirements of the Administrative Procedure Act although there were some slight differences. In the case before the Department involving this question the Department decided that the Administrative Procedure Act did apply to contest actions against mining claims and also to similar contest actions. The Department's decision was based on quite a number of decisions by the Supreme Court down through the years in which the Supreme Court has interpreted and actually extended the application of the Administrative Procedure Act in order as the court has said to provide due process of law in instances where hearings were required and where possessory rights were involved. The Department's decision in the case which I mentioned, which is the United States vs Keith V. O'Leary, a California mining contest case, was rendered in December of last year. The decision required immediately the revision of the Department's Rules of Practice in order to carry out the holding in that decision. In September or early October of last year the Department's Rules of Practice were revised, placing our contest actions involving mining claims and similar contest action squarely under the Administrative Procedure Act so that those hearings now like the hearings in grazing cases are held by hearing examiners who have been appointed as outlined.

We have appointed seven hearing examiners to work on our lands and minerals cases. They are headquartered in various places in the 11 Western States including one at Denver, one at Billings, Montana, two in Salt Lake City, one in Phoenix, one in Sacramento and one in Portland, Oregon. The result at the moment is that the Department has two sets of regulations or procedures governing hearings, two types of hearings, grazing hearings and lands and minerals hearings, both of which are now subject to the Administrative Procedure Act. At the time the Department decided that the hearings in the lands and minerals cases would also be under the Administrative Procedure Act, it was felt that it would be desirable to pull the regulations governing both types of hearings, grazing hearings and non-grazing hearings, together so that we had a single set of Rules of Practice of procedures that would relate to all the hearings. Because of the urgency to amend the Rules of Practice, as it related to lands and minerals cases in the light of the decision I mentioned, there was no attempt made at that time to include the hearings in grazing cases, because the Department and the Bureau wanted to make known to your Council and the district advisory boards in advance, as is normal, what the change would entail.

### CHANGE IN CODE

Now, I would like to tell you briefly or explain briefly just what the amendment of section 161.10 of the Range Code would entail to eliminate from that section provisions regarding hearings and combine those of Part 221 of Title 43, Code of Federal Regulations. First, I would like to point out some of the reasons why we think that combining the two sets of regulations as they involve hearings is desirable and would be advantageous. Obviously having two sets of regulations governing hearings, both of which are subject to the Administrative Procedure Act, creates not only certain administrative difficulties but is also confusing to the public and to their attorneys who have cases coming before the Bureau and the Department. We think it will make much more sense if we have a single and uniform set of procedures or regulations that cover any and all of the hearings.

Secondly, it would put all parties to hearings coming before the Bureau on the same basis since their hearings are subject to the same Federal law, mainly the Administrative Procedure Act, then we think that all parties to the hearings, whether it is a livestockman or a mining claimant or any other party, they all have to stand on the same basis with the same right and entitlement to a fair and impartial hearing and also standing on the same basis, so far as sharing their portion of the cost of holding the hearings are concerned.

Thirdly, if all the hearings were pulled together under one set of regulations or procedures we think it would enable the Bureau to do a better and more efficient job in meeting the total hearings workload. The Director mentioned yesterday our plan of being able to assign and utilize our various hearing examiners on an interchangeable basis; in other words have them assigned to one type of hearing or another depending on the total workload and the urgency of the cases to be worked. As long as we have, let's say, two different systems of hearings with different provisions relating to each, it is quite difficult to do that. I am sure that you are aware that in general too much time is elapsing between the time an appeal in a grazing case is made or filed and the time that it is being heard. We feel this is undesirable both from the standpoint of the livestockmen and good range administration. If we can, by coming up with a single and uniform set of provisions and procedures relating to our hearings, work all our hearing examiners on an interchangeable and more flexible basis, I think the Bureau definitely could make progress in reducing the backlog of cases involving hearings and keep abreast with new cases as they arise.

## RULES OF PRACTICE

Now what would be the net effect of removing from section 161.10 of the Range Code those provisions relating to hearings and providing for the hearings and grazing cases in the Department's Rules of Practice which constitutes Part 221, Title 43, Code of Federal Regulations? You men have in your packet Bureau Circulars 1950 and 1962 which constitute the Department's present Rules of Practice. As I mentioned earlier, if we placed the grazing hearings under the Rules of Practice, there would be no material procedural or substantive changes involved. The changes that would be involved come down to the costs involved in the Bureau's holding of hearings and if this change is made, the first effect would be that appellants in grazing cases in appeals from decisions of range managers and in appeals to the Director, Bureau of Land Management, would be subject to a $5 filing fee that is applicable to parties in the lands and minerals cases and has so been applicable since May 1956. I would point out in that connection that in grazing cases appeals from the decision of the Director to the Secretary are already subject to the $5 filing fee and that has been so since May of 1956. The other cost element involved would be that parties in grazing cases would be required to pay a portion of making the stenographic records of the hearings. Parties to hearings in lands and minerals cases have for many, many years paid a portion of the cost of making the stenographic record of the hearings. This change then would place the parties in grazing cases on exactly the same basis as far as costs of reporting services are concerned with parties in other types of cases.

Now there would be certain exceptions to the cost of reporters' services, for example, in an action under 161.12(e) of the Range Code, if the Government brought the show cause order and did not win its case there would be no charge whatsoever for reporting fees to the permittee or licensee against whom the show cause order had been brought. Also, the proposed change in the regulation would provide that in grazing cases as in other types of cases that the private party by affidavit shows that he is financially unable to bear a portion of the reporting costs in the hearing, he would be relieved entirely of any charge for those costs.

Now, how are the costs determined, that is, the cost for reporting fees? It is done in this manner as provided for in our Rules of Practice. The private parties pay their share of the reporting fees based on the number of pages of direct evidence and cross-examination at the hearing. The Bureau presently maintains reporting services for its hearings under a contract which the Department enters into each year with one of the nation-wide reporting services who will provide reporting service anywhere in the continental United States. Under the contract that we have this year if the grazing cases were now under our Rules of Practice the private party in a grazing case would pay 70 cents for each page of transcript covering his direct evidence and cross-examination if he did not want a copy of the transcript for his use. If he wanted a copy of the transcript for his individual use, then we can get it under another provision of the contract at a rate of $1.35 a page, which covers all costs to the party. For that amount he would have paid his proportionate share of the reporting fees and would receive a copy of the transcript at no additional cost. Now these cost figures are in contrast to what the Federal Range Code now provides, mainly that if the party wants to get a copy of the transcript, the Bureau will furnish it to him at the rate of 10 cents a folio, that amounts to somewhere between 25 and 30 cents a page. I would point out that that per page price of 25 or 30 cents, of course, doesn't begin to equal the cost to the Bureau of providing stenographic reporting services at the hearing. I think that pretty well outlines the problem, as we see it, and why we feel that it would be desirable and advantageous to have all of our hearings that come under the Administrative Procedure Act under one set of regulations. I might add that we think this certainly would be in line with recommendations made by the President's conference on administrative practice. There has been a lot of interest and activity stemming from that, including the introduction in the Congress of a number of bills relating to this entire area of administrative procedure of practice before Government agencies.

As I said we wanted to toss out the problem to you gentlemen here. It would be our plan in proceeding with the proposal to amend the Range Code and provide for the range hearings under the Rules of Practice. It would be our plan to present it in advance to the district advisory boards in detail in order that they might have the usual opportunity to review it and comment on it.

Brownfield: Thank you, Mr. Graham. Are there any questions? If not, we will revert back to Jerry. I don't think he had finished this morning.

Kerr: I believe I did, Dee, except to ask that in your deliberations if you will indicate whatever view you have on the various proposals and then consideration can be given to those when we prepare the material to send out to the district advisory board members. It was suggested yesterday that we might say in connection with parallel use land, for example, that the matter had been presented to the National Council and had received their favorable consideration. That might speed things up some. If you would take similar action on the other proposals that would be fine. Of course, we had hoped that you would consider favorably all of the proposals that we have made.

## TRAILING PERMITS

Tudor: Jerry, I called your attention this morning to the changes I want to make in 161.8(c). Did you refer to that here?

Kerr: No, but I have got it right here. It was the opinion of Mr. Tudor that 161.8(c) on page 11 of the Code on crossing permits gives the range manager no discretionary power. If an application is made, a permit shall be issued, but of course upon proper showing. We have a case now in court in which an applicant requested a trailing permit to cross one of the districts in Utah at an off season and it was denied. Now they are taking this into court with the idea of forcing it. It was denied on the grounds that the regular season of trailing there was November 1 and after, and the applicant wanted a trailing permit in October. If he had been granted that permit it would have opened the whole thing up and we would have been in a mess. May we now have some enlightenment, Joe, on how the court holds in that case?

Tudor: That case has not been concluded. Because of that case we took a closer look at this regulation, 161.8(c) which says that upon showing the necessity for crossing, a crossing permit may be issued. I checked back my regulations, the original Code, that is the one amended by the 1956 Code, and there it said will be issued. And the Taylor Act, section 1, I believe it is, "whenever any grazing district is established pursuant to this Act, the Secretary shall grant to owners of land adjacent to such district, upon application of any such owner, such rights-of-way over the lands...as may be necessary." From the use of the word "shall" in the regulation, in the statute and the fact that we had previously interpreted in our regulations and used the word "will" I was not able to trace why we had changed this to "may" in this particular revision. It may be just one of those things which will creep in even as careful as we try to be in the revision of the Code. It seems to me then that where a showing of necessity is made which of course will be subject to determination by the range manager (but once he has determined it is necessary upon the showing made), he has no alternative but to issue a crossing permit. I am not prepared to say that that does not mean that he cannot put any limitation on the season of use, the season of crossing, I think there is that much discretion in the range manager as to whether the crossing is necessary at the time the application is made and whether it is necessary for the period requested. But certainly after he has once determined that it is necessary, he has no alternative but to issue a permit.

Kerr: Well, in this case all permittees are required to conform to the November 1 date line. Now, to permit one applicant to throw that whole machinery out of gear I don't think would be very sound, Joe.

Tudor: Well, this change is not designed to meet a particular problem. It is a general change because of the language of the statute and going back to the Code as we had it before this last revision.

Lee: Well, Joe, is your recommendation to change "may" to "shall"?

Tudor: To "will", as it was prior to this amendment.

Seely: Then the act says only those owning land. These people are trailing to other public domain. Will that make any difference?

Tudor: Well, I am not trying to pre-judge that particular case which is now in court.

Seely: Well, I mean would that make a difference?

Tudor: I don't know.

Seely: The statute says those owning lands. Would it make any difference if they weren't going to home land, they were going to other public domain?

Tudor: It depends on whether those persons are within the statute. I am trying to avoid getting involved in that particular case. You can understand my hesitancy there.

Seely: I am not referring to that case.

Tudor: All I am trying to do here is to get back to the language as we had it before on my understanding of what the statute provides. I am trying to keep away from that particular case.

Brownfield: Maybe we don't all understand it. I didn't. This crossing permit is allowing them to come off the summer range back to winter range and the winter range is Federal land and he didn't want one man to get ahead of all the others. Is that all, Jerry?

Kerr: Yes, that was all.

## REDUCTION OF PERMITS - DROUTH

Stringham: Jerry, you asked us a question just before dinner, you began to ask a question something about do you go along with the fact that the grazier has a right to control the range as he desires. What was it you read from, do you remember?

Kerr: I didn't read anything like that as I recall.

Stringham: Will you read what you did read then?

Kerr: I believe the one I was referring to was 161.6(e)(5) on page 7 of the Code which states that "In the event of range depletion resulting from drouth or other causes, the grazing privileges that may be exercised under any license or permit may be reduced in whole or in part, and for such periods of time as may be necessary." I wanted to get the views of the members of the Council on the action we should be taking under that. We haven't been operating under it and a good many of your neighboring stockmen feel that we should, and I would like to have your views on it.

Stringham: Mr. Chairman, I think that is very important and I would like to make a statement on that if I might and I want to preface it by saying no man likes to be cut or regulated, but what I want to know is what are we going to do about these drouth areas where you permitted us this winter to go out on areas in our particular case that had not changed at all since we left it in the spring and we had gone out there with just sticks and very poor vegetation and a few Russian thistles that came on. There we are feeding out livestock and whittling that down and down and down. Now that is a strange thing for me to say, what I am trying to accuse you of is being derelict in your duties by not coming to us and saying, look, you can't go out there this winter or you can only go out and go over it once. In other words, we are going to put ourselves in the position, if you don't control us some, to the point where we won't have any range. We will keep deteriorating this range down and down if this drouth continues until everybody will be out.

O'Connell: Might I answer this question?

Kerr: If you will add to it, you bet you may.

O'Connell: I think that he is just trying to shift the blame from their own shoulders to yours, Jerry.

Kerr: Thank you, Frank. Well, I certainly will admit to dereliction. As far as the Bureau is concerned, we should have taken the matter up with the advisory boards individually when these cases arose to see if we couldn't work out as satisfactory as could be a solution that would be not too harmful to the users but would provide the necessary protection to the range. We are just letting the range go to pieces faster and faster as long as we don't pay attention to these situations that result from drouth, fire and disasters of that kind. Now we get a lot of pressure, of course, from people who want to use the range even if there is nothing there. It is amazing. Now when Senator Watkins was in southern Utah this year, he was being prodded by livestock people and the farmers to get assistance for them. If ever there is a range that has been hit by drouth to about the most extreme extent it was that one. They undoubtedly needed help but what he proposed to his executive assistant (of course he may not have understood the problem), was to have their permits extended. Now it may be that the permits they wanted extended were on the national forest. But there were just innumerable people who were crying to the Senator for help. We get that all the time and if we apply the section you know very well that we are going to get a lot of objection because many of the users will say to heck with the range, let's save our necks.

Brownfield: Jerry, perhaps if you reduced livestock numbers in whole or in part, the same percentage on all, and then assured all who had been reduced that when the range had recovered that reduction would be restored, then you might satisfy the permittees and also protect the range.

Kerr: Well, that is certainly true, Dee, and that is the premise on which we should do it and there should be the assurance that as the range came back these people would come back with their regular uses. The way it is now, we have a genuinely inequitable solution. We have some users who, because of their intense desire to take proper care of their livestock are going to take nonuse. They are not going to put them out on the range similar to the one Bry described. Well, the rest of the users in one of these units or the majority of them feel that they just have to have that range so they keep their stuff out there. The man who takes the stuff off gets no benefit from it. It costs him more to hold his livestock on other lands certainly than it does on ours and he comes out the short end in cost of operations, whereas if the reduction was applied to all, then they would all get a fair break.

Arrien: Mr. Chairman, I think this is an appropriate time to insert an example here of what happened in eastern Oregon relative to that case, when these winter lambers couldn't use the public ranges with the exception of once in four or five years when the green grass was sufficient to do any good. Well, it so happened that four or five years would go by before they would use it and the district range manager or someone in authority told them it wasn't necessary to ask for nonuse so, consequently, those operators lost their fall use by failure to use that, only at the times they could use it. If they would have had continuous use regardless of whether the grass was there they would have retained it, but they lost it because of that very thing.

Brownfield: Thanks. Seely, may I ask that you try your hand at improving on this proposed regulation on pasturing livestock? You had an idea before lunch that kind of struck me. We will go ahead with the program if you will apply your pencil to a piece of paper. I believe the next on the agenda is current problems of general interest by Areas. Mr. Nadeau and Mr. Nelson and Mr. Wallace. Mr. Nadeau.

## AREA 1 REPORT

Nadeau: Well, Mr. Chairman and members of the Council, Mr. Doyle was unable to be here and he asked me to extend his best wishes and to express his regrets for not being able to attend this session this year. He is held up at Portland with some important hearings on the O & C administration and couldn't possibly get away, so he asked me if I would pinch-hit for him and give you a little idea of some of the things you might be most interested in out there.

### RANGE CONDITIONS

Contrary to your experience in the Southwest during the past few years, we have had what we understand are the best forage years in the northern California, Oregon and Washington area that we have had in some 20 years or more. One user in the Baker area says this is the best year we have had since 1934. I was in Arizona in 1934 and as I remember, it was a dry year down there. It hadn't rained for something like five years. So we haven't in our area the first-hand knowledge of the problems that some of these other folks might have. Mention was made this morning concerning the trends in livestock numbers, especially sheep. I made a quick check of our AUM reports before I left and the report for 1956 as compared with 1954 shows an increase of 1½ percent in cattle, 17 percent in sheep, a decrease of 19½ percent in horses, and an increase of 19½ percent in game animals, and there was a corresponding increase and decrease in AUMs of use. Now all the adjustments we were making in our adjudications apparently aren't downward. Numbers are still on the increase and AUMs being permitted are still on the increase.

### ADJUDICATION

Our adjudication effort is still being given first priority. We are making some progress, although I don't think we are moving nearly as fast as we would like. We are not moving as fast as some of the operators would like. The more work we accomplish along that line, the more interest we seem to create and, the first thing you know, a few of them want to know when you are going to come over and do some of that in their area. They would like to know where they stand, too. We are not forcing it necessarily, it is being forced on us in some instances. We have received letters from some of the associations asking that we proceed with adjudications in their particular range areas.

We find that as we complete adjudications we are running into more work. As soon as we get an adjudication completed, then the users begin to want a little trespass control. They are not going to stand for a cut unless we proceed to put a little supervision out there. Another thing we find is that as soon as we finish an adjudication, the people want allotments just about as fast as we can make them and they want individual allotments. A lot of advantages to the allotments have been mentioned here this morning. They are not at all anxious to get those until they are pretty sure that everybody has got what is coming to him and that they have all been treated pretty much alike.

## HORSES AND BURROS

I suppose it would be well, probably, to mention something about horses and burros. We still have a horse trespass problem, we have very few unclaimed or unlicensed or wild horses. Some of them are licensed part of the year and trespass the rest of the year. They have closed the Mahogany Mountain and Cochrain units to horses for the rest of the winter in cooperation with the boys on the Idaho side who are putting on a big roundup over there. We are trying out for the first time this new provision of the Range Code. We got beat under the Oregon State law because they said it was unconstitutional, now we are trying out a new part of the Range Code that we haven't exercised before.

In southern California you fellows will remember the burro problem which was discussed here last year. It is still with us, in fact I think probably a little stronger. They haven't got quite all of them into Arizona yet. Someone said yesterday they were driving them into Arizona. The boys figure they have got about 3,500 in the area between the Owens Valley and the Death Valley National Monument and south to the Mojave. They are protected by California State law and there is a pretty stiff penalty for molesting them in any way. I understand that law is up for reconsideration.

Christensen: Yes, in fact they have a two-year time limit on now and the Senator who is proposing it is going to try and get an indefinite period on it.

Nadeau: That is quite an issue in that particular area. It is a dry desert range country and it isn't going to take a lot more burros until there won't be room for livestock or game or anything else. The game department is aware of it and so is the Park Service and Bureau of Land Management, but still the State is protecting the burros, not only in that area but in the whole State. Now they are proposing to establish some reserves in certain areas specifically for burros, mostly in Inyo County, and try to get some regulation on the numbers and keep them under control. That might satisfy them, and it might not.

## GAME WITHDRAWALS

One of the subjects coming up later is these wildlife withdrawals under the Coordination Act. California is the only State we have right now where we have pressure from a lot of people for places to just get away from the smog and away from town and spend some weekends in some of the dry parts of the State. The small tract program has grown into something terrific over there. It is running 50 to 100 thousand acres a year in 5-acre tracts, besides the other forms of disposal. The State game department and the sportsmen associations have recognized what they think is a serious problem in California from the standpoint of recreation and public use of some of these lands, particularly the more attractive areas. So right at the moment they have pending a considerable number of applications under the Coordination Act which total about one-half million acres of public domain lands to be withdrawn as game management areas. Those would be administered by the Bureau under cooperative agreement with the Fish and Wildlife Service and the State. As I see it, that is going to develop into something of a problem for us because just as sure as those areas are set aside for cooperative management, they are going to require a lot more time on the part of our people than they do at the present time.

## GRAZING RESERVES

As a direct result of this land boom, there are a number of people who feel that in addition to this type of withdrawal, large areas which are primarily suited for grazing use should be set aside as a grazing reserve. There is no legislation now under which that can be done that I know of except section 7 of the Act.

Tudor: Actually it's reserved for grazing use subject to disposal for higher uses.

Nadeau: I don't think they have disposal in mind, I think what they are interested in is preventing disposal. Those suggestions have been made by folks pretty much up in society in California and probably we will hear more of that. That might be considered as part of the objectives of the land studies being made in California. I think California was selected not so much for the land problems there as the fact that the Nutralite Corporation gave the money to the American Forest Association to pay the expense of conducting land surveys and those surveys that are being conducted at the present time are not an actual study of what should be done within the land, or what should be the trend in ownership, but rather to review the whole situation and to come up with a formula for a program under which a study could be made.

## GAME MANAGEMENT

Now we are very much interested in the attitude taken by the sportsmen, particularly in California, where they have with the State Game Departments taken pretty drastic steps in the last year or two to reduce game populations. They feel that the criticism they have received for allowing game numbers to increase while livestock numbers are being decreased is probably fully justified. In some areas the game numbers have risen until they are about to eat themselves out of house and home. They have opened up a good portion of the State to either-sex deer hunt, and in some areas they have made fairly good progress. They have their problems and I suppose they will continue to have them. For one thing, they have got certain groups down there that are pretty well organized and doing their darndest to prohibit any further either-sex hunts or any doe hunts of any kind. When they get total protection on them, then you can start to look out for trouble.

Jerry mentioned this morning this advisory board election procedure. His interest was mainly a clarification of the requirements of the procedure. I thought you might be interested in the results we have had out there within the last year or so with the three options. In Oregon, three out of the five districts are now conducting their elections by letter ballot, one more district will next year and in California one district will next year. That will leave just two districts out of the seven that will be holding them under the old voting procedures. It seems to becoming more popular with our folks out there. The election returns have jumped from 5 to 15 percent, representation 50 to 80 percent, which seems pretty good. I think that is higher than you normally get in any type of voting.

The only other point I had is in regard to personnel. We have been having a little difficulty in keeping all of our positions filled. That situation seems to have eased quite a lot.

At the present time we have few vacancies, one I think in Soil & Moisture. There are some vacancies in forestry and in the land classification field, but we have people on the hook who are available or will be available shortly to fill all those vacancies at least by the time school is out. We have had a rather interesting experience during the last several months. Quite a number of people who have left the outfit for greener pastures over the past several years have come back to us both in forestry and in range. I think that about covers my part, Mr. Chairman.

Brownfield: Thank you very much, Mr. Nadeau. Mr. Nelson had to leave and so I am going to ask Mr. Wallace next and while he is coming forward, I want to tell you what we are doing on the study of lands in New Mexico. We have formed an association known as the New Mexico Land Resources Association and have hired the Southwest Research Institute of San Antonio, Texas, to make a study of all types of lands including the Indian lands, map all types of lands and show all the minerals, mineral holdings and every kind of holding that can be found, with particular emphasis on withdrawals to show the impact on our tax structure from these constant withdrawals. Mr. Wallace, we will now hear from you.

## AREA 2 REPORT

Wallace: Mr. Chairman, in making a report to you about the problems we are faced with in Area 3, I assume at the same time we should tell you something about what we are trying to do to alleviate or curb the situations that we are faced with. Of course, if someone could devise a method to make it rain, practically all of our problems would be eliminated. Unfortunately, we haven't arrived at that point yet and of course that is where all our major problems lie. I am told by old timers living in various parts of our Area that this is the worst drouth that we have incurred during past history and that goes back a good many years in the minds of some of those people where either they or their parents came out back in the 60's and 70's. We have problems multiplied in parts greater than we have ever had before. We are faced with the protection of the range and also I think there is an obligation for us to protect the permittees to the extent of our ability. When we cut the use of the range by the permittees we have to remember that we are having to deal with the economic fortunes of lots of these people because for many of them that is their sole livelihood. We have an obligation to the Federal Government which we have to maintain. In our Area we ask our people to work with the livestockmen and cooperate with them to try to arrive at as equitable a solution to this problem as possible. We are now taking measures to attempt to alleviate the situation. I think it has been well demonstrated in our Area that pitting is a very promising thing. We have had many acres of brush removal. We are sowing, planting seeds. Waterspreading projects I think are helpful. I believe through these measures we are helping the range and eventually when this cycle turns, we will have introduced many features that will be extremely helpful in bringing the range back.

Frankly, I am puzzled by the problem of halogeton. I feel sometimes we are fighting a rear guard action. We are lending our best efforts to it.

Another thing we are studying is the value of removal of pinion-juniper trees. Mr. Caplan, the State Supervisor of Colorado, and Mr. Smith, State Supervisor of New Mexico, and I made a trip into New Mexico and Arizona last fall to investigate the work that has been done more particularly in Arizona by the Forest Service. We learned many things there. We also talked to Mr. Chilson, who is the President of the Arizona Cattle Growers Association, and received a lot of very valuable information from him and he is a very strong advocate of those methods. We saw areas there that certainly opened my eyes. I never dreamed that the removal of trees would do what has been done. Of course the question of cost enters in. It is not a cheap thing and we are studying that angle.

Personnel is a problem we have facing us and it is a hard one. We have to remember that these young men coming out of these schools are receiving many offers, the competition from business and industry is very keen. Other Government agencies are seeking these men just as we are. Now we have been very active in trying to secure young men to enter the Bureau of Land Management Service. Mr. Nielson, the State Supervisor of Montana, has visited the School of Mines at Butte, University of Montana, and the school at Bozeman, Montana State. Mr. Puckett, State Supervisor at Wyoming, has had many conferences with the University of Wyoming. He has also been to the University of Nebraska and this week he is at Kansas State University. Mr. Caplan, State Supervisor at Colorado, has been at the Colorado A&M school two or three different times interviewing people. Mr. Jensen and Mr. Lovegren of the Washington Office visited Texas A&M last month and the Texas Tech. We have also visited the School of Mines in Texas at El Paso, the School of Mines at Socorro, New Mexico, School of Mines at Golden, Colorado, and the School of Mines in South Dakota. I expect to visit Oklahoma A&M in about 10 days. The results have been encouraging. We found that there are a lot of young men there quite interested in entering Government service and what we have been endeavoring to do is explain what our work is. Many people are not familiar with our work, and it has been somewhat of an education for them. We have secured a number of people who have indicated they are coming with us after school is out, also a number have indicated they are coming with us, young men who have not graduated yet, who are coming to work with us during the summer. We feel that if we can secure the services of young men through the summer, it is very likely that when they finish their tenure of school they will come back to us. However, these young men are looking the situations over very carefully, as they should, and they are picking out the best offer. Naturally, they should do that. But we have received a notice of a liberalization of Civil Service standards in relation to what we could pay engineers. They moved that up to the top of the grade which helped a lot. They also at the same time permitted us to hire foresters at the middle of the grade and that was of great assistance to us. The Civil Service regulations have been quite strict about the requirements we should have for range conservationists, and they liberalized it to this extent, that they have permitted us to hire young men who have not finished all of the courses which were formerly required if they can pass an examination. That will permit us to hire men who we have been unable to hire previously and it also will open a gate for some of these young men who have had some years of practical experience, along with a college education and we are very glad to have that.

We have another field that is very difficult for us, the opening pay grade of our cadastral engineers. When the Civil Service Commission permitted us to hire engineers at the top of the grade, they did not permit us to hire cadastral engineers at the same level. It is difficult work and we are striving to train them; we cannot hire them.

Now, of course, we have other problems, but I view them more in the nature of the every day problems that come up in the administration of an organization. We had at the last of January, 502 people in our organization in Area 3. I anticipate that that will be increased by somewhere around 125 to 150 in the summer months when we have our temporary help. I think that covers what I have to say.

Brownfield: Thank you, Mr. Wallace. Mr. Nelson hasn't returned so we will go ahead with Mr. Hochmuth on land withdrawals.

## LANDS

Hochmuth: I would like to first make some remarks on withdrawals and then turn to some other lands situations that have come up during the past year that will be of interest to this group.

### MILITARY WITHDRAWALS

As you know, military withdrawals have received a very searching inquiry by the Engle Committee (the House Interior & Insular Affairs Committee). The Committee has concluded hearings on H.R. 627 and allied bills. The bill has been now marked up, and it is about ready to go before the full Committee prior to consideration by the House of Representatives. A bill of similar character was passed by the House in the 84th Congress; but it did not come up for vote in the Senate.

The import of the legislation is that withdrawals for defense purposes in excess of 5,000 acres would be made only by a specific Act of Congress, rather than by the Secretary of the Interior under delegated authority from the President. I calculate that we have 29 military applications from the Department of Defense for withdrawals in excess of 5,000 acres that would be affected by this legislation. The Department of the Interior has submitted favorable reports on this legislation.

There are other provisions of H.R. 627 relating to hunting and fishing requirements which are of great interest to the State fish and game commissions.

## RETURN OF WITHDRAWN LANDS TO INTERIOR

There is another important provision of H.R. 627 on which the Department has taken a very strong stand. In explanation, let me go back to the earlier provisions of the law. When public lands were withdrawn for the use of another agency under a Public Land Order, we would provide in the order for the return of the lands to the administration of the Department of the Interior upon release by the using agency. However, the Administrative Properties Act of 1949 provided that when such lands are excess to the needs of the agency for which the Department of the Interior withdrew the lands, the lands are not immediately returnable to the Secretary of the Interior. They are first declared surplus to the General Services Administration. That Administration then determines whether the lands have been substantially changed in character. They make that determination--the Director of the Bureau of Land Management does not.

If GSA determines the land has been changed in character, no matter what the determination may be based on, then it can dispose of the land. Of course, if GSA determines the land hasn't been changed in character, the Director of BLM may concur in that determination and receive the lands back for administration under the Taylor Grazing Act and other laws.

H.R. 627 would reverse that procedure. It provides--and this includes not only military reservations but all withdrawals--that when the using agency declares lands surplus to its needs and if the lands are derived out of the public domain, they will be returned to the Secretary of the Interior. He then would determine whether they are changed in character, and if so, they are turned over to GSA. If the lands have not been changed in character, they will then come under the administration of the Department of the Interior. I think that is a very important aspect in maintaining the integrity of the public domain.

H.R. 627 is of particular interest to livestock operators, as land users, because under terms of withdrawal agreements made during the wartime years provided that when the land was returned, an operator who lost that land would have an opportunity to again use the land.

## DISPOSITION OF MINERALS ON WITHDRAWN LANDS

Another feature of the bill which is of concern to the Department and the Bureau of Land Management relates to the disposition of the minerals in these lands. The bill provides that if the minerals are to be disposed of while the land is withdrawn, they can only be disposed of by the Secretary of the Interior under the applicable mining or mineral leasing laws.

## THE WATKINS BILL

You will also be interested in another piece of withdrawal legislation which has been introduced in the Senate by Senator Watkins. As I understand it, this bill would apply this same procedure to all types of withdrawals in excess of a certain acreage and request approval of Congress. Senator Watkins' bill would require that no public lands can be withdrawn until there is adequate notice given--I believe it is 120 days. The notice would segregate the lands, hearings would be held on the matter and the Secretary of the Interior would be required, from time to time, to review the withdrawals to determine if they are of a continuing necessity. It is sufficient to say on this proposed legislation that the Congress is extremely cognizant of the withdrawal situation which has been of such a concern to the people in the West.

To return briefly to military withdrawals, there are about 12 million acres under application by the Department of Defense for withdrawal of public lands. These are not lands that are already withdrawn but withdrawals that would come under the purview of H.R. 627 if enacted into law. I think about 9 million acres of those lands are in the continental United States and about 3 million in Alaska.

It is my general opinion that, as the Defense Department reviews its own requirements for public lands for defense purposes, particularly bombing ranges, air-to-ground gunnery ranges and rocket and missile ranges, these requirements will be somewhat reduced. By better utilization of existing withdrawals and joint-use by the various service arms, better patterns of withdrawn-land use appear possible.

## COORDINATION ACT WITHDRAWALS

The next item I want to briefly discuss with you is Coordination Act withdrawals which have apparently been a subject of some discussion here yesterday and today. Coordination Act withdrawals are made not under any authority contained in that act. That act, among other things, says that the Secretary will cooperate with the various

State fish and game commissions on wildlife matters. Coordination Act withdrawals are made under authority delegated to the Secretary of the Interior by Executive Order 10355. The procedures require that the lands must be withdrawn for a Federal agency or, in this instance, for the Department of the Interior. The State petitions the Fish and Wildlife Service and requests the reservation of certain public lands for wildlife purposes. The Fish and Wildlife Service then files a withdrawal application with the Bureau of Land Management.

The requirements of the States vary as to what they need to maintain wildlife programs. The State in which there have been the largest number of Coordination Act withdrawal applications is California--and the acreage requested is substantial.

The State of California has indicated that they do not want single-purpose withdrawals of these lands. Specifically what they want is some protection of the designated areas so that there will be public ownership of the land for wildlife purposes consistent with the other uses of the land which do not lead to disposal. They want protection, as I understand it, from entry and disposal of the land under the mining laws or other laws that would transfer title to the land out of public ownership. They have no objection to concurrent administration of such land for grazing, timber management, or mining. The State has no authority to administer grazing on public lands withdrawn from the public land laws. The only authority for administration of grazing on withdrawn public lands is the Taylor Grazing Act. So if multiple uses are going to be made of these lands, there must be concurrent administration. By agreement we try to administer the grazing timber and watershed resources while the State administers the wildlife function which, of course, is within their administrative jurisdiction. The Bureau also administers the mineral leasing laws.

I don't think there is any great difficulty between most of the States and the Bureau of Land Management on how we are going to administer the respective resources on public lands. We are aware of some confusion as to the rights of the State in Coordination Act withdrawals but clearly stated agreements protecting all interests will in time dispel this confusion.

We intend to draft the Public Land Orders in the future for Coordination Act withdrawals for wildlife that will specifically define what uses are reserved to the Fish and Wildlife Service and the State for wildlife purposes, and what uses are reserved for administration by BLM. We are hopeful that we can fully insure multiple uses of land where such multiple use is in the public interest.

In areas where the State has acquired by purchase significant acreage of private land for wildlife and requests small withdrawals of public land, we think it would be in the public interest for the State to purchase that small acreage of public land. This will save administrative costs by the Government and give the State complete control of the lands for wildlife purposes. I mention this particularly for the benefit of the wildlife representatives because it's good management not to have these small isolated acreages remain on our records for an indefinite period while they are dedicated to wildlife uses. When the State is acquiring private lands, they might just as well acquire, for a nominal sum, the limited public lands in the same area. Undoubtedly, the State acquiring these lands will probably dedicate them either in perpetuity or for a very long time to wildlife use.

## RECREATION WITHDRAWALS

I would like to turn now to a discussion of other withdrawals. The first of these are withdrawals for recreation purposes. At this time, the Bureau of Land Management has not applied for any in the continental United States. We have a few in Alaska. It is possible, however, that the Bureau might apply for some small areas for recreation purposes in the future. Under present authority we don't generally develop lands specifically for recreation use. However, in looking to the future, we must consider the recreation aspects of public domain. There are public domain areas close to towns which the public is now using intensively. At some future time the States and counties are probably going to want the land for campgrounds or recreation areas. We can see need for this in the future and perhaps now is the time to set aside these areas or get the States, counties or cities to purchase them as quickly as possible.

## PUBLIC SALES

The disposal of public lands by public sale is continuing at about the same rate as last year. I believe it has been affected somewhat by the drouth and lower livestock prices. The stockmen haven't generally felt they should buy these isolated tracts of public domain lands at this time. The rate has not changed much. I think it is running at about 200,000 acres a year and, of course, a substantial proportion of the acreage sold is in the Eastern States, with less than 100,000 acres a year in the Western States.

## HOMESTEADS

The disposal of lands by homesteads has been on the decline. There have been very few dry farm homesteads that have gone to patent or have even been classified favorably for entry. We are just down to where there isn't a lot of available agricultural land left unless it is put under water. So the bulk of the Federal Range that may be disposed of for agriculture in the future will be under the Desert Land Act or the Reclamation Homestead Laws. These disposals require development by irrigated agriculture, and the available supplies of unappropriated water are fast dwindling in the West. Water supply, of course, is related to the general drouth conditions but the fact is that there are not many remaining untapped, underground water basins in the West.

## INDUSTRIAL DEVELOPMENT SITES

One other thing is developing on the Western lands that is likely to expand quite rapidly in the next four or five years, namely, that this land is valuable for space, particularly for industrial development sites. We have been working on several studies involving some of our large industrial plants. Several industrial corporations, particularly in the aircraft industry, are now developing production facilities for reactor motors, rocket motors, propulsion motors and so on. These plants have to be removed from large population centers because of noise and some danger to life. Where can they go - you guessed it - out on the wide open spaces. This is a use of public lands that we must recognize as a price we pay for progress in industrialization. Large industrial corporations are coming in with increasing frequency, wanting to know where they can get areas of land for their purposes - space is at a premium. We are working with them but again I think one of the limiting factors in this type of industrial expansion will be the availability of water. These big industrial operations--particularly in the field of propulsion and reactor motors--need tremendous cooling systems that require large amounts of water.

## SMALL TRACTS

A continuing development in lands is the small tract disposal program. This program has made spectacular growth in the Southwest and in southern California, and it may expand to include other areas. The rapid growth of this program has made for many difficult problems in meeting the increased workload in the Bureau. Many people are devoting their efforts toward solving these problems. As the people of the United States have acquired more leisure time, more and more of them want to get away from the urban centers of population. The areas available under the small tract program afford these people areas for summer cabins and an opportunity to share in some of the values of rural living.

We are using southern California as a test area to see what the real demand is for small tracts. It also is an area that has no great grazing potential. In the past, we have been leasing small tracts for three years. At the end of three years if the person has put an improvement on the land, he then can buy it. We found that of every five leased, four of them were returned. Some of them have been leased as many as three times. As yet, we do not know what the long-range demand for these lands will be. We decided recently to put some tracts up for direct sale and give the people an option to buy or to lease it first. We hope thereby to prevent any element of out-right land speculation. If purchasers pay the price at which we are currently appraising these lands, there should be no great speculative aspects. Acreage-wise I don't think the small tract program will greatly affect the 160 million or more acres of public domain lands. The small tract program, even under conditions of intensive demand will not affect more than one-half million acres in the next few years.

Brownfield: Any questions?

Waddoups: What about the atomic energy plant in Idaho?

Hochmuth: The question was what about the proposed enlargement of the AEC installation at Arco, Idaho? It was in the discussion stage for quite a while and much information we received from the Atomic Energy Commission was classified material. The AEC has now filed a withdrawal application in which there is no classified material. The application has been sent out for recordation in the Land Office in Idaho. It is an application for a withdrawal of over 200,000 acres.

Waddoups: They now have 420,000 or more.

Hochmuth: We are going to proceed on the withdrawal application in the regular manner in coordination with the Congressional delegation from Idaho. There will probably be a public hearing on it. Beyond that, I don't know what the final outcome will be. The AEC says they need it for additional reactor sites. We are not now in a position to say whether they do or not.

McKnight: How about the withdrawal for Grand Canyon Dam? In that I understand there is some Indian land.

Hochmuth: Are you referring to the withdrawal application filed by the Secretary on the McCracken Mesa area in Utah?

McKnight: I don't know. It is that big withdrawal in the Grand Canyon area.

Hochmuth: You mean that Reclamation withdrawal running up and down the Colorado River?

McKnight: Yes. The problem is that they are taking the Indian lands out of there and selecting public domain over in southeastern Utah.

Hochmuth: No, you are not talking about the Reclamation withdrawal that I first referred to as the McCracken area. What happened is this. The Glen Canyon Dam site is in Arizona, and as I understand it, the dam site and the townsite associated with it are on Indian lands. The Indians requested that rather than be paid for the lands needed for the Reclamation project, that there be an exchange for some public lands. There has to be legislation to do that. Therefore the Secretary of the Interior withdrew the lands in Utah that the Indians indicated they were interested in on an interim basis. This withdrawal was to maintain the status quo pending consideration of the legislation.

McKnight: And they are asking for land that is now being used by permittees.

Hochmuth: That is true.

Christensen: In regard to your small tract problem in California, you probably already know it, but there is a movement on in California with the wildlife people and the leading legislators in our State who are interested in our Federal problems to classify these lands within our State because we are getting around 2,000 small tract applications a month. About 3,000 new people a day are coming to California and, although I am a thousand miles from it, the city limits of Los Angeles are creeping up on us. We are already getting these applications in my grazing range. I don't know when it is going to stop.

Hochmuth: Let me tell you one action we took about two or three weeks ago. We cannot prevent persons from filing applications on public domain lands under the Small Tract Act, but they can't get the land until we classify it favorably. We are starting to tell people in southern California, both by a press release we gave out there and by letters we are now writing: "If you want to file a small tract application outside of classified areas, we must accept your application but we don't guarantee that you will eventually get the land and we are going to put your application in suspension for three years until we take care of the areas we are already working in." We supposed current work will take care of the immediate demands for two years.

Christensen: In other words, you will limit them by putting up areas that you will let them have?

Hochmuth: We are going to put up areas that we are going to classify fairly soon. We are working closely with the counties because we can affect the counties seriously in their programs for roads and schools, police protection, utilities and everything else. But it is very hard to explain to Mr. Citizen that he can't have a tract when some locator says, "All you got to do is pay me $200 and I will file this application. You can buy this land from me." There are a lot of people being misled.

## ISOLATED TRACTS

Garrison: Under your Isolated Tract Act if an applicant makes application to buy an isolated tract and he is later notified by the range manager that, by decision, they are going to turn that over to public use, or set it aside for wildlife, or something else, where does that decision come from--from this office, or from the local range manager's office?

Hochmuth: That is not a situation where the Bureau said they are going to set it aside for wildlife purposes. Are you saying that the Fish and Wildlife Service or the State Fish and Game Commission, through the Fish and Wildlife Service, has applied for that land for wildlife purposes?

Garrison: There has been no publication on it for that. He just applied to buy it as an isolated tract. He has it surrounded on three sides.

Hochmuth: Are you from California, sir?

Garrison: Montana.

Hochmuth: I could only surmise that the State may have also made an application to purchase it.

Garrison: Our experience before suggests that if the State made application they published notice of it.

Hochmuth: Yes, they would publish, and if you are an adjoining owner and the State is not, or even if they are, you have a preference right to purchase that tract at no more than three times the appraised price.

Garrison: He was just going to find that they had decided not to sell this land to him because they were going to set it aside for public camp sites and for possible winter game range.

Hochmuth: That's very true. We may have classified it for that purpose. We may have classified it for retention in public ownership for purposes of recreation use and we may have rejected the public sale applicant. That is provided for in section 7 of the Taylor Grazing Act.

Garrison: The only water on it was the man's irrigation ditch passing through it.

Hochmuth: Without knowing the full circumstances of the particular situation, it is hard to consider it. However, it is possible that you, as a livestock operator, may have applied for purchase of a tract of public land under the Isolated Tract Act. The Bureau may have rejected your application on the basis that there was another use proposed or classified for that land other than sale. It is somewhat unusual that we would do it on a tract unless that tract controlled key access to the fishing water, or to the rest of the range, or key access to a recreation area. It would be unusual if we had done it for any other purposes. But, again, if it is adverse to your interest and if it is appealed we review it here for purposes of seeing that the classification made by our field offices is consistent with the law and the policies of the Director and the Secretary of the Interior, on disposal of these lands.

## PROGRESS UNDER P. L. 167

Brownfield: Next on the agenda is a report on the progress being made under Public Law 167, by Mr. Shafer. I presume that you are all familiar with Public Law 167, so I won't go into the details of its provisions.

Lee: What is the title of the law?

Shafer: The common title is Multiple-Use Mining Law. It is the law whereby the Government can gain the right to manage surface resources on unpatented mining claims located before July 1955, and to manage certain resources after July 1955.

Brownfield: May I say the Council took quite an interest in getting that law introduced?

Shafer: Presuming you know the provisions of the law, I will merely summarize it very briefly. Public Law 167 provides the managing Federal agency with the right to manage surface resources not needed in actual mining operations. Mining claims located after July 23, 1955, cannot be used for any purpose other than prospecting, mining, or processing operations. The Government retains the right prior to the issuance of a patent to manage and dispose of vegetative surface resources and to manage other surface resources. This includes the sale of timber, grazing rights, recreation purposes, and access to adjacent lands.

There is an in rem procedure which is rather complicated, and I won't go into it, but it is a procedure whereby the Government has the right to request a determination of the use of surface resources on claims located prior to 1955. To carry out the provisions of this section of the act, one of the first things the

Bureau had to do was to determine, select and designate the areas on which the most serious conflicts existed. The areas selected to date and those that will be selected in the future, are specific areas of relatively high surface values where it is deemed that the interference of unpatented mining claims adversely affects the efficient and proper management of the surface of the public domain for grazing, soil and moisture projects, timber management, recreation, access, or any other conflicting surface use other than disposal. This law is primarily a management tool; Public Law 167 will not be of benefit in a disposal program.

The second phase of the Bureau's operations under Public Law 167 consists of the examination of areas selected for identification of persons in actual possession. This examination is not made to determine the mineral character of the lands but merely to show the person or persons who are in possession or working mining claims within the area. The law specifically states that this examination must be made, and accompanied by an affidavit, by a person over 21 years of age.

Up to February 1, 1957, the Bureau has examined in excess of one million acres of public domain lands in nine of the Western States. We have projects under way in all of the States except Nevada and Arizona at the present time. In Arizona, due to the commitment of other work, such as the Papago Indian Reservation, Glen Canyon, and other priority examinations and cases, Public Law 167 projects were not started. In Nevada the same situation holds.

Much of our work in the past year in connection with Public Law 167 has been the ordering of publications on areas examined by the Forest Service. As of February 1 we had authorized publications on 42 areas in the States of California, Colorado, Idaho, Montana, New Mexico, Utah, Washington, Oregon, and the Territory of Alaska. This involves in excess of three million acres of land and an estimated 37,000 claims.

Regulations under this law have issued as Circular 1961; they were published in the Federal Register on October 3, 1956. Procedures are being drawn up; meanwhile temporary procedures have enabled us to get the program under way.

The third phase of our program, consisting of mineral examinations on all claims on which verified statements have been filed, the holding of necessary hearings and rendering of decisions on evidence presented, is barely under way at the present date. The delay in issuing regulations and procedures retarded our progress in the second and third phases of our program. Preliminary examinations could be made, but publications had to be held in abeyance until final regulations issued. Therefore the third phase could not be put into operation. Some of these areas have since been published and are being processed. Our present objective is to order publication on the rest of the examined areas as quickly as possible and to start processing the claims on which verified statements are received.

## ABUSES OF PUBLIC LANDS

One other thing that I would like to touch on, which may not be considered as progress under Public Law 167, but which I believe is a subject of major interest to this Council because it seems every time we meet the point is brought up, is certain abuses of public lands by mining claimants. I would like to state that Public Law 167 is not a cure-all and it should not be looked upon as a cure-all, or panacea, to automatically cure all our troubles that arise between mining claims and grazing or timber rights. There is no specific legislative authority in Public Law 167 whereby a Government agency can control and determine how a miner shall develop his claim. It would possibly be very nice if such authority did exist, but it doesn't, and we have to recognize that fact. So we still have the problem in many of our range areas of bulldozing and other destructive methods of doing annual assessment work. Bulldozing for discovery work, bulldozing for development--which we know and are very well aware of and realize--creates a definite problem out here. It causes serious erosion and destroys much of our better range lands. We have some definite proposals on this problem that we hope will help alleviate the situation.

While Public Law 167 does not give us legislative authority to control mine development work, we have now, and we have always had, the right to stop any abuse, unnecessary or wanton abuse of the public land, if that abuse will damage lands adjacent to a mining claim. In the future, we hope to issue a policy statement in which we will try to outline what we consider to be a reasonable and justified use of the public lands by a mining claimant. We certainly do not want to hinder mineral development, that has a place in our public lands as well as any other use, but we do hope that we can control it either by legislation, by education or by cooperation with the mining industry, or all three, to the extent that it will not seriously conflict and damage our public lands for grazing and other uses. So where you feel there is a flagrant abuse, it should be called to the attention of the district range manager. Reports of abuse can be made by permittees or anyone using the range. The district range manager will undoubtedly make an investigation and call it to the attention of the State Supervisor, who will decide whether court action is justified. If it is justified, I have been informed by the Director that he will make personnel available from the headquarters office to make a detailed examination. The first case taken to court will be a test case. So far as I know, no cases have gone to court in the past on abuse of public lands. Since this will be a test case, we we want to choose it very carefully and not have it end in sorry results. We hope in this way to take at least the first step in establishing a policy where we can control some of the misuse of the public lands.

Besides this injunction action, which we expect to institute in the courts, there are other plans which may be more successful. They might take longer, but I think in the long run they will be of more benefit. First, I think it is necessary to get our State legislatures to change our State laws--to attempt to pass a State law to modify the present discovery and the present assessment laws in such a manner that bulldozing or a discovery pit will not be necessary. I think Colorado and Idaho have taken the lead in that and they have passed State legislation that allows the substitution of drill holes. That means that a hole, a matter of a few inches in diameter, can be substituted for a bulldozing pit or for a discovery pit 8 by 10 or 15 feet, which creates a hazard on the public lands. Sheep can fall in present pits, cattle frequently have fallen in when flooded in the spring time or when the pits are drifted in with snow. This is one way in which we hope to have some success in controlling abuse.

The second plan is to contact our mining associations in the States. I think in the past there has been very little contact between the stockmen and the mining associations. Each seem to look with some disregard or distrust upon the other. If we could overcome this feeling and genuinely get together with them and show the problems of each to the other, I hope that we would be able to work out something worthwhile. I am sure most of the miners are interested in conservation just as much as anyone in the Bureau or as much as any of the grazing people or forestry people. I think that would be a necessary step; it is a matter of education. It will probably take considerable time to accomplish, but I think it would be one of the foremost and most beneficial methods that we could undertake.

Unless you gentlemen have some questions, I am going to leave it at that. If you want to know the exact acreage we have under examination in any of the States, I will be glad to furnish the figures or answer any other questions you might have.

Grieve: Mr. Shafer, Wyoming also had an optional bill passed in 1955.

Shafer: I should have mentioned that also. I am sorry I didn't.

Grieve: They have it before our legislature now.

Shafer: I think that is something that will happen. The miners at the present time are in somewhat of a bind; if they don't do their assessment work in the manner in which the State prescribes, their claim is subject to relocation, so they are not going to chance that. We, on the other hand, hope to limit the type of assessment work they do so that it won't create a hazard to livestock or destruction of the range. So it looks like by encouraging State legislatures to modify present laws, we can do some very good work.

Horn: I would like to ask about roads in connection with mining claims. They have done very well in Colorado getting away from pits; they build roads instead but they don't take any care of the grade and that sort of thing. They just climb straight up a mountain and, of course, it washes out to where in some places it causes worse erosion than the pits.

Shafer: This is a problem. As long as they are doing work on their mining claim and they can show that the road is necessary for the development or extraction of their mineral, it is pretty difficult for us to do much about it. Of course, if they are off their claim, then legally and technically they should get a special use permit or right-of-way permit to put that road in, and in that case we can specify any type of grade or any type of protection that we wish, but when they are operating within the limits of their claim unfortunately, we have no control.

Horn: This is off the claim, it is actually a road going into a claim. In a lot of instances they go in and they haven't got crossing permits. They are just wildcat outfits, they have just gone all over. They have never mined a speck of ore.

Shafer: If they are putting in a permanent-type road, other than just running a couple of trucks or bulldozers, they should obtain a special use permit or right-of-way permit.

Horn: They just run with the bulldozer enough to bring heavy equipment in to drill and they have done quite a lot of damage in some areas.

Shafer: We know that, maybe Joe has something to add on that.

Tudor: We discussed it here last year, the very same situation.

Shafer: We haven't been able to control it.

Tudor: They are here today and they are gone tonight.

Shafer: That's one of the difficult things. The large operators, of course, who have some experience with the geophysical prospecting entered into a Code of Ethics, but that was between major oil companies. They were responsible. They have a stake in the future and you can do something with them. Where it is a small operator and, as Joe said, they are wildcatters--here today and gone tomorrow--sometimes they have done the destruction and are gone before we know about it and we can't run them down. Financially they might not be responsible or able to reseed or restore the ground, so there is just not much you can do about that except catch them while they are doing it.

Horn: The Forest Service makes them clean up and reseed.

Shafer: They can do that when it isn't within a claim, but I don't think they have the right when they are in the boundaries of the claim. When they are putting a road into their claim, the Forest Service can specify the grade and require certain specifications for the road. We can do the same thing, but when they enter the boundaries of their claim we lose control and so does the Forest Service. But if their activities within the boundaries of that claim are such as to damage adjacent public domain lands, we hope that we can seek injunctive release. What the decision of the court will be, of course, we don't know. We would like to get a good case and see what it does develop into.

Brownfield: Thank you, Mr. Shafer. Before I call on Jerry to finish here tonight, in order to get prepared for our executive session, I want to set up a small resolutions committee because our attention has been called to several bills that have been introduced in Congress that are very vital to us and we would like to have them consented. Floyd Lee of New Mexico, Bry Stringham of Utah, Mr. Douglas of Arizona, Christensen from California, Hay of Wyoming and Strosnider of Nevada. I hope you fellows can find time enough to get together before tomorrow afternoon.

## AREA 2 REPORT

Kerr: In the capacity of acting chairman, acting in the absence of Mr. Brownfield, before calling on Mr. Kerr, I am going to call on Mr. Nelson to give his report for Area 2 first.

Nelson: Mr. Acting Chairman. I notice that you people are plainly well aware of what the general problems are. Most of the things that have been mentioned here are also our problems. I would like to talk just briefly on trespass. Under the Code of course we can and do have procedures set up where we can go ahead and do some sort of trespass job. We like to use State laws if we can but there are some procedures set up here in the Code. There is one thing wrong with the procedures in the Code and that is the matter of money. When we enter into trespass proceedings, we can collect the value of the forage consumed, damage to the range, and then the cost of the roundup of the livestock including impoundment and removal. The only difficulty is that when we collect this money it goes into a general fund, it doesn't go into a revolving fund for us to use and so in just one little horse roundup, like we have in a few places right now, we could gain the salary for a man for a year. Well, that may be all right to expend the man to get the horses off the range but it is a choice of whether you are going to have enough personnel to make the roundup, and to do the other jobs that we are obligated to do or whether we try to work out something else under State law.

Now in some of the States stockmen have made contributions to a fund for removing trespass animals from the range. That is a partial solution, but it costs the operator money and then it is not the whole solution. So I just mention that, there is a problem there even though we have procedures set up. If we could retain the money from trespass action then we might be in pretty good shape.

I don't know what these other fellows may have said but as we go along in our work, some of it breeds other work. I am thinking now of a lot of our Soil & Moisture range development programs, such as reseeding, revegetation through brush removal, waterspreading, etc., all of which brings more land into intensive management. For instance in reseeding projects we may have projects from 1,000 to maybe 10,000 acres. These are fenced and provision has to be made for the use of those areas in which we have an investment of maybe $10 an acre, using them in such a way that they are going to produce the most in livestock gains but also in such a way that they will maintain themselves and so we have some work to do there.

There is one last thought that I want to mention. I noticed the National Wool Growers came out with a resolution about the training of some of our younger people who are coming into BLM in livestock management. They get some technical information from their colleges but there seems to be a feeling that our people are not versed in livestock management and problems attendant thereto. Naturally, we would like to be able to recruit people that have had experience. Just recently in Arizona we found a couple of young fellows who were graduates of the range school at the University of Arizona who had been raised on ranches, been in the ranching business themselves for two or three years before the drouth ran them out. At least they have gone through some of the knocks. They know what the drouth can do to them and we feel fortunate in picking up individuals of that type. Sometimes you gentlemen may know of individuals of that kind and can tell us about them. Perhaps they would be interested in working for us and if we could employ them, we would get people with the right background. Another thing, there is a scarcity of range students in our schools now, and that is one of our sources of people. Competition is great for engineers and other categories. A fellow who can get along in the range management classes in college can also take engineering and do equally as well and so we have lost a source of some of our better prospects through competition. But I would just like to suggest that possibly you gentlemen could encourage some of these people with the right kind of background to go to school. Maybe they wouldn't want to work for us but they would want to work for you. That's all I have, Jerry.

Waddoups: Mr. Nelson, can't we do something so that we can retain the amount of money that we get from these horses when we gather them? What would have to be done to get the Bureau to let us have that money that we get for the horses after we gather them? Is there any way of keeping it?

Nelson: I am not sure if that would take legislation or whether it would have to be written into the appropriation bill. Do you know?

Kerr: It would take an appropriation.

Tudor: Your cost of round-up comes from your regular appropriation. Any revenue from round-up sales would have to go into miscellaneous receipts to the Treasury unless you had specific authority in the appropriation act or elsewhere to use such revenues.

Kerr: Thank you very much, Mr. Nelson. The cost of gathering the horses was estimated by one of our State Supervisors about $20 a head, and they had in the neighborhood of 1,000 that they wanted to gather, so you can see what the bill would be.

## ADJUDICATION

Kerr: My discussion of adjudication isn't going to take very long, and I thought we might go into tomorrow afternoon's session with Riley Pierson on the results of the range survey conference at Great Falls.

On the adjudication part of it I am glad that it is not readjudication; maybe that gives a wrong idea of what we are doing. All of the Areas, I know Mr. Nelson didn't mention it, but Lee Nadeau mentioned the work that they are doing in Area 1. I don't know that Mr. Wallace mentioned adjudication in Area 3, but I know that they are pushing the work over there. We aren't making the progress that we would like. In some areas we have a good deal of resistance because it is realized that with the adjudication there must come adjustments and reductions in use which the stockmen aren't at all happy to take but there are others, as Mr. Nadeau pointed out, who can see the ultimate benefits of getting the job done and getting squared around on our adjudication program. It has been a long drawn out process. The delays in it have stemmed largely from our, and the Bureau is responsible for this, reluctance to face up to a serious situation. As a result, that situation has worsened year by year and we are now confronted with greater problems, far greater than we would have had if we had attacked the thing in the first instance. We didn't do it and of course there have been things that have intervened, wars and what not, that might be offered as an excuse for some of our lack of progress. But where we have an adjudication completed, it isn't long until the benefits begin to show up. Now in Stanley Wyatt's district in Colorado, it was one of the first districts that was adjudicated when Ferry Carpenter was Director. The Nipple Rim Unit in particular shows up now as having improved tremendously since that adjudication went into effect under the type of use and management that is in operation.

Wyatt: There has been a lot of improvement, but we don't know how long that is going to continue on account of the Wyoming antelope. However, it has improved.

Kerr: I think that as our adjudication work progresses, we can move into the establishment of individual allotments and as Bry Stringham mentioned yesterday, Fay Waddoups has mentioned principally because he wants one, Floyd Lee and Lee Brownfield are here to offer proof of what benefits are obtained from the establishment of individual allotments so that a stockman has the range, and it is up to him to manage it properly. We are in a position then of being able to put the finger on the individual who, if the range isn't being used properly, is to blame for it. So it works better all around.

Heaton: I believe that is the only solution you have. I know since we in Arizona have our allotments fenced, our problems are solved. They automatically take care of themselves. There is just nothing that can compare with a fenced-in allotment.

Horn: Jerry, in one district in Colorado, a district you have been familiar with from the start, many of the cattle permittees are small operators and they have never shown great interest in having allotments. It hasn't been pressed at all hard but right now they are wanting them. They come up voluntarily to the office there and are seeking allotments. They don't even want to run in common with one another.

Kerr: I don't think there is anything that will take the place of allotments in improving our management of the range, easing it and bringing about a lot better range conditions.

Arrien: That's all right, but in some areas allotments aren't possible and you will understand that and others do, too, I think, particularly from the water side and even the slope of the terrain. If you don't have a little of the higher country along with a little of the low, why it doesn't work. It may be well in Colorado in most cases, but I know in Oregon in many cases it doesn't work.

Kerr: I might tell you an experience I had in 1935 when I met with the advisory board for Utah District 2 the first time and we were talking about the Taylor Act. I was explaining the way it would function, how ultimately we ought to get into individual allotments and when we did that we would really have heaven by the tail. There wasn't a man on that board that didn't say I was nuts. You just couldn't have individual allotments out on this winter range. If you did, a fellow tied up in an allotment one year wouldn't have snow and no water for his stock. The next year his allotment might be covered so deep with snow the range couldn't be used. But they are gradually, Julian, dividing the range first into smaller group allotments, and they have a good many individual allotments set up. I mentioned Tracy Wright the other day as being one of the sheepmen allottees who is tickled to death with his. I don't know how many other allotments there are in that district. You probably know that, Stan.

McKnight: A lot of them.

Kerr: And they are working out okeh, aren't they, Stan?

McKnight: Nearly all of the sheep are in individual allotments and a lot of the cattle, and the individual allotments are a lot better than the community allotments.

Kerr: Are there any other questions or comments? If not, then we will ask Riley to discuss the subject that we had scheduled for him tomorrow.

Lee: Well, I would like to bring in something right here that we have in New Mexico. We can't conceive of any land or any condition where a person couldn't fence and get into an individual allotment. We have anything from high mountain land down to desert. We require them to fence and if they don't, we cancel their allotment. I think we are in better shape than anybody and they are a lot happier. It is a little expensive for them when they start, but it more than pays off a hundred times over.

## RANGE SURVEYS

Pierson: Along with the remaining range adjudication, which is a sizeable task, we still have about 128 million acres of range to survey for reliable grazing capacity data.

The Director made reference yesterday to the policy memorandum he sent out last April requiring more range user participation in range surveys and other points including the improvement of range survey methods. About 5 years ago the Forest Service suggested that we get together again on range survey standards. The years passed by and we did nothing about it but after the General Accounting Office recommended to Congress that we complete a forage inventory on all Federal range at the earliest possible date, we thought we had better get our house in order. Also, the Bureau of the Budget requested we estimate our survey needs and set up a five-year program based on the 128 million acres. Whether we had money or not to wrap it up in five years, it was unrealistic in that we couldn't hire that many qualified people so we extended it to an eight-year program.

As a step toward improving range survey standards, we invited the Forest Service last August to Director Woozley's Office for a short meeting and agreed that the time was right to take a look at the Western Range Survey standards which were perfected 20 years ago and which, to a greater or lesser degree we are still following. The Forest Service still depends on their older surveys to back up their present-day range allotment analysis. They have not had enough money in recent years to conduct standard surveys so they have been substituting the allotment analysis system for the past two years. We wondered if the time wasn't right to get the agencies together again and find out just where we were on surveys and see if we couldn't get some uniformity in standards again, so we proposed that the Bureau sponsor a meeting in connection with the annual meeting of the Range Society in Great Falls last month of all agencies conducting range surveys.

From that meeting it was agreed that the Washington representatives of the Federal agencies meet here and define the objectives of range surveys as a first step. Next, an interagency task force should be established to work out the details of bringing up to date uniform range survey standards.

Thursday, February 28, A.M.

Brownfield: Gentlemen, please come to order. The Director would like to make a few remarks and introduce the guests.

Director: I don't have anything to say, gentlemen, but I am happy to be here with you again this morning and I am particularly pleased that we have with us some of the Secretarial Staff and some of our Congressional people, we have Senator Dworshak from Idaho with us this morning, we have Mr. Scott from Wayne Aspinall's office, we also are particularly pleased to have with us our Assistant Secretary in charge of lands, Mr. Chilson, and his assistant, Carl Junge. I think it would be well at this time to hear from Mr. Chilson. He has another appointment and can't stay very long.

## REMARKS BY ASSISTANT SECRETARY CHILSON

Chilson: Gentlemen, as you know I took office as Assistant Secretary last November and I have had a very enjoyable experience. First, let me express the regrets of Secretary Seaton that he is unable to be here today. Of course you know he is en route from Hawaii back home to Washington. I know he would have liked to be here to welcome you. In his absence, may I extend a welcome to all of you?

It is good to get to know you people because I hear of you in a kind of impersonal way in dealing with these public lands. I do see an occasional familiar face, such as Mr. Stringham down at the other end of the table, with whom I worked for some considerable time in connection with water matters in the Upper Colorado River Basin.

I have no pearls of wisdom. It would be presumptuous of me to attempt to say anything in detail to you gentlemen about your work because you know infinitely more about it than I do. I come from Colorado. I am on the fringe of a small cattle grazing area. I do know a little something about your problems. Though I am not a cattleman myself, I own a couple of irrigated farms and have done some livestock feeding. So I won't attempt to go into any detail on any of your problems.

In the short time I have been here I am just beginning to get a basic fundamental idea about our natural resources. A significant trend which I had read about from time to time and had heard about, but which didn't strike me forcefully until I came back here is the terrific competition for the resources of this country - not only our public resources but our private resources. The increase in population already is taking out of cultivation, so I am told, about one million acres of land a year. This increase in population is going to increase the competition for all of our resources. It is bound to. There is competition of industry for industrial sites. There is competition for increased residential areas that increased populations are beginning to demand. There is competition for the use of resources for meeting the demands of this increased population and those demands are not always in harmony. Industrial demands may conflict with demands for grazing purposes. They may compete with agricultural needs. The increase in population is going to increase demands for timber, minerals, and so on.

It seems to me that the biggest problem for all of us is that of trying to meet these demands intelligently. How good a job we are going to do depends upon the effort that all of us put forth. When I say all of us I am not referring to the Federal Government alone because the Federal Government cannot do this job alone and should not do this job alone. We must look not only to the Federal Government. We must look to the States, we must look to the counties, we must look to all Governmental organizations. We must look to individuals, we must look to groups such as the cattlemen's associations, advisory groups and so on.

It is going to take a lot of judgment. Undoubtedly some mistakes are going to be made. Now the reason I remarked about this, particularly, is the fact that through taking an active interest in these matters, groups such as yours can help not only the Federal Government, and the State governments, but also serve your own interests. Intelligent judgment in the operation of your own private resources in connection with the management of the State and Federal Government's resources is bound to be of great benefit to all concerned. We know as well as you do that merely because we are in the Federal Government does not mean we can make mistakes. We need your advice. We have a lot of dedicated people with a lot of knowledge in Government service, and I appreciate that more every day in the conferences that I have. It is exhilarating to have a small group of people come in and educate me on a subject which would take months if I had to dig it out myself. But they are not infallible and they need the help of groups such as yours. You are doing a tremendously valuable job.

Similar groups in other areas are also doing a remarkable job and are giving great assistance to the Federal Government. I don't think I need to impress upon you how important your task is and how difficult it is now and how much more difficult it will become in the future.

That is all that I have to say, but I have one very pleasant privilege today and that is to make an award. This properly should be done by Secretary Seaton, but in his absence I will do it for him. I understand that from time to time the Interior Department has made certain Conservation Service Awards. At this time it is my privilege to make such an award to Mr. A. D. Brownfield of New Mexico. I am informed that Mr. Brownfield is one of the original members of the advisory group that was established at the time of the passing of the Taylor Grazing Act.

I think I can best do this by reading the letter of award from Secretary Seaton to Mr. Brownfield. Mr. Seaton said, "I am pleased to grant to you the Conservation Service Award of the Department of the Interior in recognition of outstanding service in the field of management and conservation of the Federal range. Through your outstanding leadership as a member of the local advisory board, the New Mexico State Advisory Board, and since 1949 Chairman of the National Advisory Board Council, you have established an enviable record and reputation in the field of conservation and range management of the public lands.

Your efforts in promoting legislation to strengthen the Taylor Grazing Act have insured maximum efficiency and effectiveness in public land administration. Your invaluable assistance contributed materially toward the growth of the present comprehensive Federal Range Code to provide rules and regulations for public land administration. Your strong support of our study of the grazing fee problem relating to the public lands of national importance for many years was most helpful in bringing it to a successful conclusion in 1952 and in leading to adoption of the present fee system. As a fitting tribute to your achievements in the field of conservation this award is presented with my deepest appreciation.

Sincerely yours,
/s/ Fred A. Seaton
Secretary of the Interior"

Mr. Brownfield, it is a pleasure to present this to you. I am very sorry that I have another engagement and I will have to leave, but some other members of my staff will attend the meeting, because I would like to have a report.

Brownfield: Thank you again, Mr. Secretary. I accept this on the part of the whole membership of our Council and on those with whom I have worked in the past that are absent from the Council. Thanks again.

Director: Chairman Brownfield has asked me to introduce some of our guests this morning that are here to listen in and to advise us. We are very pleased and happy to have with us the Senator from Idaho, which is my home State. I would at this time like to introduce Senator Dworshak and ask if he has anything to say to this group.

## REMARKS BY SENATOR DWORSHAK

The Senator greeted the group and made a few remarks concerning public land management. He said this visit was merely to greet his Western friends.

Director: Thank you very much, Senator.

Brownfield: I was so taken aback here with this award that I had almost forgotten I am the presiding officer of the Council. I think we are down to that point in the program where Mr. Pierson in the personnel recruitment program wants to talk along with Mr. Horn when we get to that point, but first we have Mr. Lee to talk about the general effect of the drouth. I am lined up here to talk to you a little about water development, but I believe we will hear from Mr. Lee first while we have a good crowd.

# REPORT ON THE DROUTH

Lee: The report on the drouth was supposed to be given by Judge Hughes who wasn't able to be here and so they passed it on to me as I was at the President's conference in Wichita when the drouth situation was discussed. I think to bring out what the real problem is in the Southwest according to the tree ring scientists we are in the worst drouth in 750 years. We are entering in the Southwest our 11th year of below-normal rainfall. So the problem could never have been met unless it was for the passing of the Taylor Grazing Law which has now come to the help of the livestock industry. Before the passage of the Taylor law when these conditions happened, both in drouth and in the falling of prices, the livestock industry was liquidated. That has been liquidated three times in my lifetime. When they liquidated it in 1923 in the Southwest, it broke all but two banks in the State of New Mexico. It destroyed most of the large mercantile businesses. It put our schools back to where we were years in overcoming that problem in educating our children. It put the ranch people back to where they were unable to recuperate ever in their lifetime.

Now if it hadn't been for the passage of the Taylor Act in these areas, most of the livestock people would be bankrupt to this day. The Government in cooperation with your Taylor law has now placed at the disposal of the livestock industry to prevent its liquidation the hay program and the grain program so they can keep the livestock in place instead of moving it out as they did in the past.

The Taylor law was able to do so much in this drouth because it has allowed them to fence the public domain for orderly grazing, to make some reserve grass for drouth. It has allowed them to make water developments which reduced long trailing. It has stopped all that tramping of the land and now those that are desperate and in direct need can still keep their livestock at home and still move them in and feed them and will be in a going plant at the time when the drouth does break.

Our Chairman was born in Texas and he was telling me the Senator says it looks like they might lose that drouth down there and the aid that they are getting, but the Texans say that rain only had 20 percent moisture in it.

This major drouth has worried the administration, particularly in these areas where the President planned a tour to look into the drouth first-hand and see what assistance he could give. The way that was set up, the President and his party went through Texas, over into Arizona and Colorado and ended back at

Wichita. His idea was to meet at that time the actual producers on the ground, see what they were doing, how they were meeting the drouth, and what their problems were and give him a chance to see first hand and talk with them on the ground about what could be done.

The conference at Wichita which I attended was called to bring together the different views that had anything to do with the drouth situation, mainly, of course, the Secretary of Agriculture and the Secretary of Interior and the different Bureaus under those Departments and the financial Bureaus under those Departments, and see what they were doing for the drouth.

The conference divided itself in two categories, one was the short-range planning, what you can do to meet the impact of the drouth at the present time, and the other was the long-range plan, what could be done for the future. They couldn't prevent drouth but they could prevent a lot of the tragedy that comes with drouth. We felt that some Bureaus wanted to take that to augment their programs that they were working on and felt it was a good chance to get some more money to carry on their long-range plans. Other Bureaus thought it was a pretty good time to show what they had been doing and after they got through the first phase of it, we got down to work as to what was actually happening to us financially, what was happening to the industry. We worked very well together, and it was surprising to see how earnest and sincere the different Bureaus were when they got to grass-roots problems. They were willing to change and adjust their programs to meet them. One question was how to finance it. The present administration has set up under the FHA a good many types of loans to take care of the drouth. The feeling there was that wasn't the proper way to do it, to take a man who has been with a bank maybe for 20 years or better and has been paying them interest and transfer him over to the FHA, where he did not know those people and they did not know him. They did not know the history of the ranch or the farm. They didn't know the history of its production, what trouble it had been in before or how it had met the problem. Where you transfer a loan that way, that man never could get his credit back because when he comes back after the drouth is over, your bank examiners say this loan has a bad history and they throw it out. Now we had that experience under the old Regional Agricultural Credit Corporation. They transferred these loans out of different banks. The man was taken care of and finally liquidated. That particular branch of the Government made $80,000 over all so they never lost any money whatsoever. But the man that was transferred over with very few exceptions was never able to get his original credit back. The feeling was there that he should be left in place the same as he is on his property, farm, or ranch. The Government should guarantee a certain proportion of that loan to whatever bank or loan company or wherever he is financed, somewhat like they do the soldier where they guarantee a percentage of that loan and that was so recommended. They didn't want to see any further financial institution set up. They think there is plenty.

Coming up to what we have been fighting in the board and under the Forest Service. There has been a continual reduction of livestock that they are able to manage and the size of an outfit has been going down. They have been trying to destroy the larger and even take down the small ones. The general feeling among the Bureaus there greatly surprised me, how they have changed their policy completely. They have decided that the unit that is operating on Government lands should be increased and they should be of a size on which a person could normally raise his family, educate them and live a good American life. It shouldn't be small enough so he couldn't do it and I asked them then what they considered a proper investment for a family-sized unit. They said there the family-size unit has been so abused that no one knew what a family-size unit was. I ask them if they would define in terms of dollars. In industry it takes from $25,000 to $35,000 for a man employed in industry of capital investment. In other words, General Motors or General Electric or the railroads or any of those have to have investments in their properties of somewhere around $25,000 to $35,000 in order to pay one working man and with agriculture we have to have an investment somewhere around between $40,000 and $50,000 for one year-round employee. So I asked them what their idea was on that and they said that they had gone to the thought of one family-size agricultural unit which would either be a ranch or a farm to around $40,000 or $50,000. To me that was a great asset and was worth holding the meeting because apparently they have changed now. Instead of having a subsistence base, we are getting up to a base where a person can live.

Well, now, I think the whole thing wound up to the fact that with viewing our program, they were doing just everything that possibly could be done under the conditions. About the only thing that would answer it would be a rain, and they were going to keep going on as far as they could. The question is how far in debt could you allow a rancher to go and allow him to ever get out?

Now it might be that Mr. Josendal probably would like to carry on a few of his observations if he would.

Brownfield: Thank you, Floyd. Mr. Josendal, do you have anything you would like to add?

Josendal: Well, I think Floyd Lee covered that pretty well. Actually it is probably the first time that all the thinking was put together in one place and all possible remedies were brought out in both the long-range and short-range problems. We feel that the conference actually accomplished something in bringing all the different agencies, the business men and ranchers together so that they might put their thinking all together. That is filed over in the Department of Agriculture as one unified report. Of course, as Mr. Lee points out, rain is the one big solution, but there are a lot of other things that can be done towards a little better long-range picture so perhaps we won't be hit as hard when these drouths occur again.

Brownfield: Thank you, Mr. Josendal. I believe we had a guest come in.

Director: Thank you, Mr. Brownfield. We do have a guest who came in; he is from one of the great producing States, livestock and wildlife States, Montana, and it is a pleasure to introduce Congressman Anderson from Montana. I know these men who come from the 17 Western States would like to hear anything you might have to say about the industry or advisory boards, Mr. Anderson, if you have anything you would like to give us.

Anderson: Thank you for the opportunity. Having just come into your conference, I feel that anything I might say would be either repetitious or an infringement on something you have planned in your program. Our State is one whose economy is almost exclusively agricultural. A large area of our State is very closely connected with the very problems you are discussing here and I came not to make a speech but to listen to you and learn what I can. Thank you.

## WATER PROBLEMS

Brownfield: I think we have now come to the point on this agenda that all chairmen really hate to arrive at, and that is where they are forced to take the floor and talk.

When I answered Mr. Wallace's letter and some of his questions as to what I think the Council should talk about, I said water. I didn't know until I came here and looked at the agenda that I was booked to talk about the water problems. I have thought for a long, long time that because we are in a drouth-stricken country and in a State that has only one major stream and the longest river and dry most of the time it makes us wonder where are we going to get water if it continues not to come from above. Most of the States, due to the fact that the individuals have been developing underground water, have passed laws to the extent that each and every individual, even if water is under his own ground, is prevented from drilling and obtaining that water. New Mexico has such a law. Fortunately the State Engineer, if he chooses and if the well doesn't ruin some neighbor's well by taking too much water, will give you a permit. Arizona has a more strict law in that it declares all underground water as percolating water and refuses to give any more permits for development, so just those people who have pump irrigation at the present time are the ones who are able to obtain any underground water.

I have proposed many times that we in the drouth-ridden area should ask the Congress to look to the future and make some arrangements and set aside a little of our money instead of letting it go to foreign countries, and try to develop the water that might be drained into the Southwest that otherwise goes into the sea, down the Mississippi or the Missouri, or even from the Great Lakes. We think that the Congress could very well initiate a survey program that would develop the feasibility of the proposition of bringing the water from the Great Lakes or from the Missouri or from the Mississippi into the Southwest.

We brought this problem before Secretary Seaton at our American National meeting in Phoenix and he revealed to us the fact that the agreement with Canada was such that the water level had to be retained and only the surface, that is the water that built up in the lakes above a certain agreed level could be drained off, and he was more or less afraid that when we got this big ditch developed, Mr. Director, that they would not allow any of the water drained from the lakes. So that was out. I said, well, how about the Mississippi and the Missouri. Well, a gentleman there from New Orleans, Louisiana, hit the floor and said we can't spare a drop of water out of the Mississippi, we can't get the barges above Cairo now. So that's the first time I had heard that the drouth was affecting the water in the Mississippi, but we had to take what he had to say about it. I said, well, how about the Missouri? We can pull the water from just above Kansas City to Amarillo, Texas, almost by gravity and then with a little bit of power maybe we can run it over the mountains and start it West, go through Arizona as far around as Yuma toward the Colorado there. The Rio Grande goes by it, the Arkansas and other rivers between there and the Missouri. Perhaps that can be done.

Let me tell you, I am of the opinion that within the next 15 years or 20 years you will see pipelines carrying water all over the United States. You may not know it, but we have reduced the cost of taking the salt out of the sea water from $600 an acre-foot down to $200 an acre-foot, and if you reduce that down to 1,000 gallons, it would cost you maybe about 60 cents, and that's possibly what you are paying now in the cities. If we part the water and furnish all the cities, it would release a tremendous flow that could be used for irrigation, and he is hopeful that they can reduce that expense a great deal more in the next few years. Perhaps you have a committee set up to study that, Mr. Director, we hope that you have.

Anyway, I feel that maybe this group, since we have a lot of organizations in the West that haven't initiated it yet, should take it up with our honorable gentlemen in the Congress and see if we insist on them starting some action and get the engineers to work to determine just what can be done. Sooner or later it seems we are going to be out of underground water. Even with the dams that have been built and are proposed to be built, we do not think that the present dams will ever fill again unless we have an unusal amount of water. I feel that we should take some action if we can get the Congress to think about it. The amount of money that is being spent abroad is necessary perhaps, it is not our business to judge that, but certainly it is so badly needed in the Southwest and the surplus water that goes into the Gulf of Mexico or the Atlantic Ocean could be utilized without too much expense. Thank you.

Director: Thank you. Mr. Chairman, we have another Congressman with us, one that is very active in all matters which pertain to Western development. It is a great privilege to introduce to you Congressman Keith Thomson of Wyoming.

Thomson: It is a real pleasure to be here with you. I have told Harold Josendal, and I am sure John has heard that I hope this will solve all our matters with regard to public land grazing and everything like that. I came here to listen. Thank you.

Director: Mr. Chairman, you asked if anything was being done about these water programs. I don't think it is as far as the Bureau of Land Management is concerned except we are interested in the State laws. We are operating under State water laws in each of the Western States but there is a considerable amount of work and research being done in the Department of the Interior. The thing that Floyd Lee mentioned about the conservation from evaporation is being given study in the Bureau of Reclamation. They are studying the effects of evaporation, and they can cut down the evaporation considerably by treating the water with a spray. On the other hand, they do have a Saline Water Conversion Director and there is a study being made in the conversion of saline water to pure water which is, as the Secretary said, being very successfully carried out. They haven't got it to the point yet where they feel it is economic for irrigation, but some of these towns might consider using it and as you know, down on the Coast, particularly in the Los Angeles area, considerable irrigation water has been diverted for city and suburban use and so I think it may solve one of the problems near the ocean. I don't know what is being done about diverting the Mississippi and Missouri Rivers and those rivers down to the Southwest, but I do think it has merit and I am sure that the people who are doing research for the Interior have given that some thought but I couldn't tell you what has actually been brought out yet, Mr. Chairman.

Christensen: Mr. Chairman, it might be interesting to you and the Department to see what we are doing in California at the present time. The State of California is considering impounding and transporting 17 million acre-feet of water annually from the point of origin in northern California to the point of deficiency in southern California at a cost estimated at the present time to be three times the present assessed valuation of the State. This shows you how desperate they are and what the legislators in the State are faced with and are trying to resolve at the present time. But it will be very similar to what you suggested in moving water from the point of origin in the northern parts of the States to points of deficiency.

Brownfield: Will the point of origin be the Columbia River?

Christensen: No, these waters will head in the Feather River, the Trinity River, the Klamath River in the northern part of the State, which are flowing just into the ocean with no use and projects are being started now. I think the Secretary was in California last week on the Feather River project.

Director: Gentlemen, this is Congressman Jensen, and he is a good friend of the Western people. He has a concept of our problems. He is very helpful, I might say, on the Appropriations Committee and a lot of other committees over there, and it is a pleasure to have Congressman Jensen with us. We would be glad to hear from you, Congressman.

## REMARKS BY CONGRESSMAN JENSEN

The Congressman greeted the group and made a few remarks concerning public land management. He expanded on the benefits of the Soil & Moisture program, stating his views on the matter. Mr. Jensen indicated that through him and his committee, the Soil & Moisture program has strong support in the Congress.

Brownfield: Thank you, Congressman. It would be a pleasure to have you come to any of our Western States and let us show you what we are doing with this S&M program, and we are proud that we are privileged to sit in on the local boards and have some voice on how that money is expended. I would like to mention one other thing. We have two major departments handling lands, that is the National Forests and lands without forests. There is plenty of land for both departments. If they had any more land, they would have to have more help and more help calls for more money. That isn't the point. There is a committee that the administration set up to study the methods of administration and they have mor or less recommended the timbered lands all go to one department and perhaps that is what should be done. Nevertheless, the Forest department has a lot of land connected with and a part of forest land that has no timber whatsoever, so we feel that if there is going to be division that non-timbered lands should come into BLM where it can be better administered for grazing purposes.

Pierson: Dee, let Mr. Horn state his problem first and then we will do our best to make a response.

## RANGE MANAGER QUALIFICATIONS

Mr. Horn: Thank you, Dee. I have a resolution here from the Colorado Cattlemen's Association which was presented at the American National meeting in Phoenix.

First, I will hit a little background on what brought this about because there have been a lot of people who have talked to us about it. When the old Grazing Service was set up, the qualifications for a range manager were 10 years'actual experience on the range handling sizeable numbers of livestock, either sheep or cattle. I feel that we have got a lot better organization today because of that regulation which made it mandatory that your first graziers were all experienced livestockmen. I don't think we can emphasize that point too much.

We realize the need for technical help. We believe the Bureau is cooperating in some instances to provide range managers with livestock experience. I am on the Board of Control for the Colorado Cattlemen's Association and on the Public Lands Committee for the American National Cattlemen's Association, and I have had a lot of stockmen tell me that they were worried the Bureau was following the pattern of other land-use agencies - getting overbalanced with technical personnel and getting away from experienced livestockmen at the range manager level. They felt that a combination of range managers well experienced in the habits of livestock, backed by a good technical staff, would be much better qualified and able to get much better cooperation from the stockmen and work out range problems as they arise than with the completely technical staff. I have been on a number of range surveys which have been done on horseback in most of our areas. If the range manager and the permittees in an allotment cover their range thoroughly, talk over all their problems on the ground as they come to them, and then sit down and discuss any needed changes in operation, you can just about bet you can come up with a good solution.

If the range manager is able to see the problem through the eyes of the stockmen, he is better able to put his point across.

We have an example in Colorado District No. 2 which is very fortunate in that they have a well-balanced staff by having a well-experienced livestockman as range manager with a good technical staff to assist. This district has never had an appeal go all the way through. All differences have been worked out on the ground. Don't think we haven't had differences. We have just got on the ground and worked things out as we came to them. One or two other districts I have worked with have done the same thing, too, and I just think it is really an answer. Again, I want to say that I don't think you can rate this combination too high. I think it is the thing that has made the Bureau of Land Management the outstanding land-use agency. I would sure like to see us keep it that way, if possible.

This resolution is regarding new proposed requirements for public range administrators. We also included the Forest Service in this at the time. The land users were interested in both the Forest and BLM lands. The resolution: "Whereas, the handling of livestock, cattle and sheep on the public ranges in the far Western States, Forest reserves, BLM lands, requires an intimate knowledge of and acquaintance with the habits and nature of the animals to be grazed, whereas the lack of such knowledge has been a serious cause of misunderstanding between the Government services charged with those duties and the permittees for such grazing rights, and whereas the result of the lack of a common understanding of the livestock problem has resulted in a misuse of the public range and has also found to be an impairment of the public interest; now, therefore, be it resolved that the Department of Agriculture and the Department of the Interior be respectively requested to take immediate steps to work out such alternate requirements for the Civil Service Commission to set up candidates for such administrative positions to include some knowledge and experience in livestock management, and, be it further resolved, that representatives of the livestock industry be allowed to cooperate in drafting the new requirements."

We have had more stockmen interested in this problem than nearly anything that I have hit in Colorado. Actually, I didn't make the American National meeting. Pat Murphy from Waldon went down there and presented this at that time. We sure have a lot of boys worried about this situation. Not that they aren't happy about the Bureau now, they like the Bureau as it is, but they are just afraid there is a trend going that way.

Brownfield: We will hold that resolution until all our resolutions come up in executive session. Riley, I believe we would like to hear your ideas now.

Pierson: Chairman Brownfield; members of the Council. The number of employees we have with a good ranch background at any one time is probably proportional to the economic status of the livestock industry. Nevertheless, in response to Mr. Horn's statement, I believe we already have quite a few of the qualifications he mentioned. We have been working closely with our personnel office to find some solutions to this problem. We have our BLM Personnel Officer, Ed Carroll, here this morning, who pointed out what we have issued here recently in the way of announcements and what we are doing in the way of recruitment. So, we will have Mr. Ed Carroll speak to you now.

Carroll: We have approximately 293 professional and technical range management employees in the Bureau now and we will recruit approximately 40 this next fiscal year if our money holds out. We have four main sources of recruitment for our technical and professional people. We get the college graduates starting at grade 5, from an examination which is handled by the Agricultural Boards at various points in the West. That examination has what we call a positive education requirement which means that an applicant cannot successfully qualify unless he has a degree in range management or forestry or agronomy or animal husbandry or botany or allied sciences with a minimum number of courses, 14, in range or allied subjects. That qualification has given us a little bit of trouble on account of the positive education requirement. There is no uniformity among the 14 schools who teach range management or allied subjects. They do not have exactly the same standardized course, so we have run up against a likely applicant here and there who lacked a certain course and couldn't be hired for that reason. We have attempted to get around that by setting up our own Interior Department announcement for grades 7 and 9, skipping the grade 5. Under the Civil Service system, professional employees start at grade 5 upon graduation from college and move to 7 at the end of a year and then progress to grade 9 as they develop and as vacancies occur. Now by use of this announcement for grades 7 and 9 by our Northwest board in Portland, we hope to attract not only persons who have college degrees but persons who have ranch-livestock experience and who have the equivalent of knowledge of college graduates. So far there have been 89 applicants since the exam was announced in January.

Our third source of recruitment for these people we call range aids. These jobs start at lower grades than the professional jobs because not as much knowledge or skill is required in them. They start at grade 2 and run up through grade 7. We can hire in those positions any person who has ranch experience of any kind, and he doesn't have to be either a professional or technical college graduate. The Bureau has down through the years maintained a nice balance between the non-technical men and the college trained men. I made a little count yesterday and found that of our district range managers, 20 are non-college graduates, 31 are college graduates. That is a bit of a change, I don't know exactly how much, over preceding years, and in their subordinate staffs again there is a pretty good sprinkling of both college trained and non-college trained men.

Please note these copies of the Interior Northwest Board announcement on range managers and range conservationists that we have supplied you. I would invite your attention in answer to Mr. Horn's question, to page 2 where it reads "Overall Requirements." Now this stems from the Taylor Grazing Act which requires the Civil Service Commission "to give consideration to the practical range experience in public land States of applicants for appointment to assistant director and grazier positions." Graziers are interpreted to mean district range managers or range manager assistants. This overall requirement reads:"these positions require a high degree of supervisory ability, initiative and demonstrated ability to work with ranchers and others, individually or in groups and promote effective relationships with others involved in planning and carrying out of range management programs. Sound judgment and a personality which will enable applicant to meet and deal effectively with the public are required. Applicants must state to what extent their experience and background have brought out these qualities. To fill these positions, a ranch background is required. Applicants must have lived or worked on a ranch or worked with ranchers sufficiently long to have acquired familiarity with ranch work and problems." We have considered that it is essential to meet not only the requirements of the Taylor Grazing Act but also for reasons along the lines that Mr. Horn referred to.

Mr. Horn indicated that he recognized the need for technical skill in the Bureau. That being the case it would seem it might be wise to continue to improve the caliber of our range personnel. Of course we in Personnel act on the basis of what the operating people give us, Area Administrators, State Supervisors and Range and Forestry Officers because they are on the ground and should know. We have been led to believe that when a man goes through a range management course in one of the Western schools and everyone of our college educated range managers went to Western schools, they do have a good insight into the things which Mr. Horn speaks of; that is, an ability to deal effectively with ranch livestock people. Unfortunately, I can't tell you,because I don't have our detailed records here, exactly how many of our men had ranch livestock backgrounds. That would be a difficult thing to determine in any event. If you mean by that that he must have been the son of a rancher, that would be one thing, if it meant merely that he would be a farm boy from the State of Iowa and had migrated out to Idaho and had gone to school there and worked on a ranch during the summer, it might be another thing.

On the range aid examination which now exists in Denver with the Civil Service Commission for our Areas 2 and 3, that register is one year old. It had originally 50 persons applying. Of that number only 40 showed up for the examination. There are 21 eligibles on the register now and the Bureau has made 8 appointments during the past year. Of the 8 appointments only 5 persons declined, which indicates that people who are on that register are definitely interested in working. There is, fortunately, that source there with at least 21 eligible persons, for grades 5, 6 and 7 which are the more desirable grades from our standpoint, for us to draw from in connection with our recruiting for vacancies the rest of this year and new jobs next year. Now by pulling our range people from these three sources, we hope to provide our State Supervisor with enough elasticity to get any kind of a man he wants. He could get either a man who doesn't have a college education but who does have livestock and ranch experience, or the technical personnel through the grade 5 exams straight from college or under the 7 and 9, he can get them from another Government agency, or he can get a man who has never been in Government. Where an applicant has operated a ranch successfully for a period of 6 years, he can qualify for a grade 7 at $4525 a year; if he operated for 7 years, he can come in at a grade 9. I mentioned a fourth group for recruitment for our technical personnel, that's the Agricultural Engineers, who design and lay out our detention structures. We recruit them, however we can. Some are college-trained, some are not, but most have ranch experience.

The new exam of the Northwest Board for 7 and 9 provides an opportunity for range aids employed in a non-professional category to qualify for promotion through the professional grades. That is one of the advantages of this new exam. It also permits noncollege-trained men to enter the service if they have had substantial responsible ranch and livestock experience.

Lee: Mr. Chairman, I would like to ask Mr. Carroll a question. Now in your recruiting program, particularly with the colleges, how much cooperation is the Bureau doing with these colleges? By that I mean are you suggesting and helping on the courses that they teach, are you getting tours to go over the range lands in cooperation with these colleges in the different areas to show them on the ground what is happening with the students and their professors and to kind of coordinate your college work, or are you just taking what they produce?

Carroll: We are working very closely with them. Both we and the colleges realize the value of that and we work very closely, not only in connection with the tours you described and aiding them in lining up the courses they should have, but also we are cooperating with them in employment of their students during the summer. Most of the range and forestry schools have summer camps and both the Forest Service and the Bureau have arranged with the colleges whereby if a man works for us, he may skip summer camp.

Lee: Are the users of the public domain helping with those young people on the range and showing them their problems and visiting with them in their ranch homes?

Carroll: In general, we are getting good cooperation.

Brownfield: I think, Mr. Carroll, what Horn's resolution was directed to was to try to relay the Civil Service requirements to the extent that you could get these down-to-earth practical boys, not just the book-learned boys, so to speak.

Director: I have sympathy for the attitude of people who are fearful of getting over-technical. On the other hand, I would like to have you go back to 1934 which is when we started, that's 23 years ago, and think about the number of people who have college training now as compared to those who had college training at that time. There is a vast difference in the requirements even in business for people who are college trained. I don't think there is anything that actually brings you down to earth quicker than meeting the payroll and paying the taxes and seeing that the thing can operate at a profit, but there is one thing you don't put into a person who does. It is exactly the same thing you can't put into them from a college degree, and that is personality and the ability to get along with people. You can't measure that on a paper checklist. We have 50 offices out there, they are being managed by range managers. We have some 20 offices that are being managed by forestry managers and we have 15 land office managers, and we think the managerial capacity of those people is the same. No matter what kind of a business you are in your capacity or your ability to manage and to get people to work with you is approximately the same. Now when you get into technicalities, certainly a forester can't operate a range problem unless he has had some range experience and range training and he couldn't operate a land office. But the ability to organize people, to train them, maintain good public relations and a lot of things it takes to operate any kind of a business is approximately the same so there are a lot of angles you can't put into a Civil Service examination or you can't put them into any kind of a guide line that you are trying to draw up. The thing we are trying to do in this organization is to get balanced people. We prefer to have people who are born and reared on a farm or stock ranch who have had actual experience in dealing with those problems, then they go to college and study and get possibly into some other line of work for awhile so they learn something else besides just range. Then, that kind of a person is well rounded enough to be gradually brought up through the ranks to become a manager, whether it's a range manager or a forest manager or a land office manager, State Supervisor, or Area Administrator or on the staff here in Washington. We like to have people who have balance, that can understand some of the land problems, some of the mineral problems, problems on irrigation, problems on public relations, personnel, training, inspections, and so it is pretty difficult to draw a line. For example, you may want to have someone who has had ranch experience and maybe some of the people you know have had a great deal of ranch experience, yet that isn't the kind of a person you would like to see head an office. I can think of a lot of my neighbors who have had ranch experience for 20 years, but if we put them in charge of an office they would make a miserable failure of it. So it takes balance, it takes education, it takes background, it takes personality, and I think that one of the ways we can better do that is to bring our people in and get them into a well-rounded program. We are trying to do that. Ed Carroll didn't mention it but we do have a promotion program in the Bureau and when there is a vacancy, all people of the grade that should fill this vacancy will be considered. We have a nomination committee to nominate those who are the best qualified to move into this spot, and they move up in that way. So I believe we are thinking about the same thing.

Mr. Horn: I think that you are. I was down in Ed's office and talked to him day before yesterday, and I thought that you were having trouble finding enough men that have a ranch background to fill these positions, that was my understanding. I thought you really had a shortage of men with your restrictions as tough as they are.

Carroll: We have a shortage. For instance, there will be only 60 men graduating in range management this spring from all U. S. colleges. The Deans of the schools are worried and so are we. There is a little bit of an indication that it is going to be higher next year but in the long run it looks like many of the boys who would normally study range management are switching to the physical sciences, physics and chemistry and mathematics because of the tremendous salaries they are paying in those fields. It is a real threat to the continued supply of professionals in the natural resource sciences. Also we have had difficulty in recruiting the non-college men because our salaries were not attractive. They could make more by working on ranch operations. Mr. Horn indicated the other day that because of the drouth he thought there might be more men attracted to the Government. Now these examinations I mentioned are continuously open which means any man can apply at any time. We are hoping that enough stand up. There are 21 on the range aid list now. Of those 60 college graduates coming out only half are interested in Federal service and some of them are only lukewarm. So it boils down that our chances are that only 15 or 20 range management graduates of next June will come into Federal service. That means Forest Service, Soil Conservation Service, Bureau of Land Management, Park Service and others will be competing for those few candidates.

Horn: I would like to say we have had a few young fellows, they have been behind the eight-ball. They have tried hard; they have been good boys, but they haven't had the proper background and they just worked their hearts out and they still couldn't put across to the stockmen the things they wanted to. That's the reason this business came up.

Carroll: We have to guard against that because the Director constantly hammers into us that public relations is our most important job to do and I think we have to recognize the nature of things, too. When boys go to school, whether it is college or merely high school or they just read the paper or watch television now and then, they become interested in controversial things, everything is provocative now, more people are thinking now, and that, in turn, leads to people sometimes being snide with others or not nearly as friendly as they once were. It is a part, I guess, of progress if you want to call it that. I don't know that we can lick it completely but certainly if anybody has any suggestions as to how we can more liberalize our present employment standards and sources to get totally acceptable range people, we want their views.

Horn: You feel that the boys that aren't college graduates are going to have equal chance with a college graduate and get stepped on up into a higher position?

Carroll: No sir, I couldn't conscientiously say that, because our experience doesn't indicate it.

Horn: But would they be stepped up, too? The range manager position is where we need them. Would they have the equal qualifications to go that high?

Carroll: Well, as far as strict qualifications are concerned, as far as promotions are concerned, when a man serves a year in one grade, he is eligible to go to the next, but we can't say that the college degree is worth nothing. If we did, we would be kidding ourselves. Cy Jensen over there, Nadeau, Seely, if they have a choice between a non-college man and a college man, unless the non-college man has something to offset the college degree, something in the way of personality or ability to deal with others, the chances are that they are going to select the college man. I think that's a fair assumption in which Mr. Kerr will concur.

Horn: That's what the livestock men have been afraid of. It seems like in making advancements they couldn't get the types of boys that we felt were possibly the best men up in the positions where they felt they would do the most good. The college men went on up and those boys didn't. That has just been our feeling.

Carroll: I was interested when I was in Bakersfield, California, last fall to watch the situation rather closely. To see a situation where we had a fellow who was a range aid in the Forest Service for a number of years, and he couldn't get beyond a grade 6 because they have a very strict rule about education. So our men picked him up and in just about a year they were amazed at what he could do. He was sitting across the desk from one of our college-trained men who was taking a personal interest in him and actually going over range courses with him in their spare time because the man wanted to learn more about the identification of plants, more about soils and so forth from a technical standpoint. That's the kind of thing we would like to see more of. There was a time not so long ago when there was pretty much of a cleavage between the college educated boy and the non-college educated boy. As I say I am only a personnel man, these operators know better, but from my visits most of it has pretty much disappeared, there is some of it left and there will always be some of it, but not nearly as much as it was. This past month, for instance, in Area 2 a non-college man was moved up to distrct range manager instead of a college man. In other words, there is no policy in the Bureau that says you cannot be a district range manager if you are not a college trained man, but we definitely have to offset the advantage that man with the sheepskin has.

Horn: If there is anything in the way of lowering the standard that they could go to a range conservationist and have the same right to go on up, I know there would be an awful lot of livestockmen who would be happy about it.

Christensen: There is one thing, too, that I recognized along this line and we might as well blow our own horn a little as long as we are going to serve on these boards. We have worked with both types of range managers. It seems important to me that if we have strong and active advisory boards, we can help those fellows an awful lot and bring them along and sell them to our people and have a lot better understanding. I think the boards are an important cog in this wheel in getting along with your range managers.

Arrien: Our resolution at the National Wool Growers is somewhat less severe than that of the National Cattlemen, but I see this trouble. The personnel delegated to these various districts because of their educational needs and transferring them from one district to another, ofttimes don't spend enough time in a given area to acquaint themselves with the topography, the conditions of the particular district and the problems therein. I think we can understand why maybe these shifts have to be made continually, but I don't think any man, livestockman or otherwise can go into a given district and in 6 months or 8 months tell a person the most desirable mode of operation. It is quite technical, in fact, you have to live the cycle of the years to understand a given area and I think that is one of the drawbacks that we see that perhaps is impeding the proper progress.

Director: May I ask a question there, Mr. Arrien? We have not been moving our range managers what we consider unduly often. Has that been your experience, have they been moved quite often?

Arrien: I am not speaking of the district range managers but the personnel under the district range managers. They are quite vital as they are out in the field most of the time.

Director: Well, we don't anticipate moving anyone for at least a two-year period after he takes up a new headquarters, but occasionally there may be a vacancy that this man might fit in within the two-year period and he might move out. It is not our policy to move people around just to be moving, and if we are doing that, we would like to have specific examples of it so we can dig into it.

Arrien: Well, in the one district in Oregon there are 440 permittees. That's a pretty good-sized district and even in two years, you just can't get acquainted with that kind of a setup, I don't believe, and he just gets to the State. It is just like taking a sheepherder out here and it takes you two years before he is of any service to you. It takes a good year at the very least. Well, these men after two years, I think, are just reaching the top of efficiency to do the most desirable job.

## TRESPASS CONTROL

Brownfield: I would like to have a little discussion on trespass.

Swallow: Dee, we have run up against this charge proposition out in our country where trespass has been successfully carried on. All of our efforts have been stopped. We couldn't get the job done. I believe we are on the right track now. We have in all States made our recommendations of what we think a trespass charge should be. When the examiners come in, they don't like to lose a case or even have it appealed if it is possible to prevent it. I feel we should as an organization here see if we can't work out a trespass agreement that we could all go for so they wouldn't have that trouble in hearings which we have had out there in the past few years. In this one case out there we are going to have to get an agreement in our State as to just what we think of trespass charges. It should be worked so the rule could be laid down, but we would like to see if the National Advisory Board Council could go for a certain penalty on these things and make it a uniform trespass regulation. That is my interest.

Brownfield: Think we might set up a minimum and a maximum.

Swallow: That could be true. We have heretofore set up trespass charges based largely on what private land was going for which is all out of line. There should be no comparison with what private land costs are. I think the charges should be based on the grazing fee, the certain number of, say, the grazing fee would be assessed on a trespass charge at least three times or five times the grazing fee. We should have a penalty of reduction of time and numbers or both. I know there is a way we can work it out if we set to it. It will be very helpful, I know, to the Department in settling these trespass cases.

Wyatt: I partly agree with the member here from Nevada. We have felt at times in Colorado that if the Director himself would take the lead, the area managers and right down the line would know what to expect on a legitimate trespass, and, as the Nevada member said, it ought to be uniform. There are a lot of these trespassers that don't mind trespassing. They are getting more than full value for what they pay in the fine, if not a whole lot more. So from their viewpoint why shouldn't they trespass? They are getting cheap feed. I have contended right there in the local district that you could make an example of someone. Go right after them and know you are going to be backed up and then give it wide publicity in the local papers, then there wouldn't be very much trespassing from then on. That's all it would take. The others would be on the alert if they knew they were going to be soaked to the hilt. Well, they just wouldn't want to be paying out that money. The way it is now, I know a lot of them who have trespassed want to trespass some more. They consider it cheap feed and I believe it could be worked out. I was talking with one member last night and in his district they trespass them once and the second time, they are fined both times, and the third time they take their permit away from them. Now we have never felt out there that that would be done. I think I was talking to you and I would like to hear your way of getting at these trespassers.

Waddoups: In Idaho we have had the same trouble but a lot of the trouble was from the permittees ourselves. We won't report our neighbor, we won't report people who we know are in trespass, we hesitate when they are trespassed to come on the stand and testify against them. But we in Idaho have changed our opinion on that now because we know that if we want to stop trespassing, even though he is a neighbor and he trespasses we have got to see that that is stopped. We have to cooperate with the Bureau in trespass cases and we have ruled in Idaho where a man is trespassed the first time, he is warned not to do it again. If he trespasses the second time, he is given notice that if he trespasses again, his permit will be canceled and we haven't had too much trouble since the permittees themselves cooperate with the Bureau. It is my duty, I feel, if I know a man trespasses, to report that trespass to headquarters and then have the range manager come out to see if the trespass is as I report. Of course it is a rather disagreeable job to report a neighbor in trespass but we have go to do it if we stop trespass. That's the way I feel and that is what we are now trying in Idaho.

Horn: I feel that the Director is just as much interested as we are and anxious to cooperate, too. It might be he could take the initiative or encourage the Area chiefs to start bearing down and tell them he is going to back them up which no doubt he will do. I think the time has come where these trespassers ought to be eliminated. Why should I pay for their feed?

Christensen: We have quite a few people in our area who have no permits and trespass to a certain degree. What are you doing to do with them?

Director: I don't claim to have all the answers but we have been fighting this thing for quite a while. Fay Waddoups knows we were fighting it when I was in Idaho. My conception of this is that we have two types of trespass. We have deliberate and innocent. I think we are not in this thing to make money. We are in this to deter trespassing. We want laws that will deter trespassing not principally to get money out of it. So our idea has been to have a uniform trespass law. A Federal law instead of taking State laws which vary from State to State. I would like to see an innocent trespasser pay at least 1½ times the damage and loss of forage and the deliberate trespasser pay at least 3 times. We have submitted that to our Legislative Counsel but it doesn't meet with favor of some of the other Bureaus in the Department, so we have a selling job to do in getting a uniform trespass law.

The second thing is that we are operating under State laws and they vary from State to State. I might say we have more of a problem with timber trespass than with grass. It has more value, but the problem is the same. Here is what we think. If we could get a uniform trespass law, we could put everyone else in the same shape as a land owner. Let's say someone trespassed on your land. If you want to get damages, you would have to prove that this man had actually damaged your range. If he was out there when it was too wet and you have a new seeding and he pulled up 8 plants out of every 10 you would have a damage claim for destruction of your range. If he went out and used the range at a season when he was not supposed to with animals that are not supposed to be on the range, they are taking grass that actually should be used by the range user. If our range manager would be able to find out what amount per head it was costing other people to feed their livestock at that time we could then get treble damage if it were deliberate or 1½ times if it were innocent trespass. So we think that we have got to be more specific in getting damages, you just can't pull it down out of the air and go into a hearing examiner and say you want 10 times the AUM rate without having any evidence. The first thing we need is the damage to the range, the actual damage in trespass, and second, the loss in forage or what it would cost this man to feed his livestock if he were not on the range. I think we have a letter right now asking for some assistance from our Area people and our State people in setting up some definite policy for getting the information. There is a letter in this folder on trespass which points out that we need more definite information. If you were a land owner yourself and you went before a judge who had the ability to set the damage and set the amount of money that the other person were to pay you, you would have evidence enough to justify that. We need that and I think you are absolutely right. We want to stop trespass. The first thing we have to do is get a uniform trespass law and the second thing we have to do is to get a better method of arriving at damages for the loss of forage.

We will back them to the limit. I would like to hear from Jerry Kerr on that because he and I have discussed it quite a lot.

Kerr: Fred Strosnider raised a question about the trespass cases we have had this year. The difficulties arose in the establishment of the commercial value of the forage that was obtained in trespass. Of course most of our trespass cases are settled without our ever having to take them to a hearing or anything of that kind, but there are now and again cases where the trespasser objects to making the payment and in those cases we have to cite them in order to finally settle them. If they are permittees, we cite them before the examiner to show cause why their permits shouldn't be reduced or canceled. We had these cases like that this year. In one case our Area and State people didn't follow the procedures, and the case was thrown out. In the second one the proceedings were followed all right and the range manager testified as to the commercial value of the forage. The examiner refused to take that as evidence of what commercial value was. In the third case the witness for the Bureau testified as to the commercial value. In addition to that there was a stockman witness who testified to the amount that he had paid for the rental of forage on range in character similar to public range, and as to the rentals he had paid himself in leasing private lands. The examiner in his decision took the stockman's testimony without question. In reviewing those cases, I think this one point stands up. The Bureau employee in 9 cases out of 10 has testified on the basis of what someone, another Bureau employee or stockman, has told them and the examiner does not feel that that testimony is acceptable. On the other hand, the stockman's evidence, which definitely was direct, was all right.

We can follow Fred's suggestion of using a stipulated amount rather than the commercial value of the forage. The Indian Bureau does that now. They charge so much an AUM or an animal unit day, plus $1 a day per animal. We would set up in the regulation whatever we figure the fair rate would be. That would be without any reference to what the value of the forage was. It would be like a matter of penalty in that case. We might get by with that. That's one way out. The boys have told me in this one trespass case the man was hunting. This is an important case because it had a bond of about $4,000. The boys told me that if it hadn't been possible for this one man to come in and offer his testimony they would have been sunk. It is a little difficult sometimes to get a fellow stockman to come in and give testimony that may be detrimental to a neighbor. That is something that we have to consider in working out these trespass cases. If we cannot get the direct testimony of an individual who has actually had the experience of either owning his own land or renting land from others, we are going to run into a little difficulty in presenting evidence that is acceptable to the examiner.

In the case of the non-permittees about the only way we can proceed against them is to hail them into the Federal court and obtain an injunction against them. We have had a number of cases like that. Ordinarily we don't go into those unless it's a pretty aggravating case. A little trespass now and again would hardly warrant prosecution in the Federal court.

Brownfield: Jerry, would you think each 24-hour period or each day should constitute a separate offense?

Tudor: The court would generally say yes, each day's offense is an offense. In other words, if you are in trespass five days you are actually in trespass 5 times. That's the general rule in the local courts.

Brownfield: We will go into executive session after lunch if you can all get back here at 1:30. Director, we would like you and Jerry and Joe to be with us and anyone else that you would like to bring in. We will take a recess until 1:30.

The open portion of the meeting was duly adjourned at noon, February 28, 1957.

## COUNCIL RECOMMENDATIONS

The National Advisory Board Council, in annual session at Washington, D. C., February 26, 27 and 28, 1957, considered pending legislation affecting public lands in the 85th Congress, make the following recommendations thereon:

### H. R. 3378

This bill, if enacted, would amend section 15 of the Administrative Expense Act of 1946. The primary objective of the bill is to safeguard against the use of advisory groups in influencing public policy for the benefit of private interests. This would encompass the grazing advisory boards now limited by the provisions of the Taylor Grazing Act and the Federal Range Code. Therefore we recommend against passage of H. R. 3378 unless these grazing advisory boards are exempt from the bill.

### H. R. 627

Provides that withdrawals or reservations of more than 5,000 acres of public lands of the United States for certain purposes shall not become effective until approved by Act of Congress.

The impact on the economy of the States where these withdrawals have been made by removing most of the taxable property from the tax rolls is seriously affecting operation of schools, county and State governments, thus we endorse the 5,000 acre limit and recommend that particular objective of H. R. 627 be enacted by the Congress. We recommend, further, that all withdrawals when declared by General Services Administration as surplus property, where the character of the land has not been changed, that it be restored to that Department first administering it for disposal.

### H. R. 2771 and 2871

To amend the Soil Bank so as to include grazing land in the Soil Bank program.

The American National Cattlemen's Association, representing the grazing industry of every Western State, at its annual meeting in Phoenix, Arizona in January of this year, opposed by suitable resolution the inclusion of grazing land in any Soil Bank program. The National Advisory Board Council takes a similar position and recommends against the enactment of H. R. 2771 and H. R. 2871 and for the same and other reasons we oppose passage of S. 608 which proposes to establish a national grazing reserve by providing assistance to livestock producers who carry out certain range conserving practices on privately owned grazing lands or on grazing lands under jurisdiction of the Forest Service or the Bureau of Land Management. Also oppose passage of H. R. 2367 or any other similar bill, the objective aimed at subsidizing deferred grazing on grazing land or Indian lands.

S. 672

Senate Bill No. 672 provides for the control of noxious weeds on land under the control or jurisdiction of the Federal Government by proper State agencies under certain specified conditions, and also for reimbursement of the States for expenses incurred from funds appropriated for purposes of the Act. We favor passage of this bill.

H. R. 500

H. R. 500 is a bill to establish on public lands of the United States a national wilderness preservation system which would, when such wilderness areas are set up, exclude all multiple use and lock up many natural resources needed for the economic well-being of the nation. Therefore we oppose its passage.

S. 846

Senate Bill No. 846 provides for the establishment of a National Outdoor Recreation Resources Review Commission to study the outdoor recreation resources of the public lands and other land and water areas of the United States. We agree with the main objective of the bill and do not oppose its passage.

The National Advisory Board Council members have studied the Chudoff Committee Report and recommend that all timbered land now administered by the Bureau of Land Management be transferred to the National Forest Service, and with such transfer all non-timbered land now within the exterior boundaries of the National Forest be transferred to the Bureau of Land Management as per section 13 of the Taylor Act.

We are concerned with the present practice of Federal and State agencies purchasing private lands, thus removing large areas from the tax rolls. We recommend that when such purchases are made in excess of 320 acres that an open hearing be held before the County Commissioners in the area when such purchases are proposed.

## H. R. 783

This bill authorizes and directs the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of natural resources following spraying, and to provide basic data on various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife. We favor passage of this bill.

## H. R. 2451

The National Advisory Board Council favors the passage of H. R. 2451, authorizing the Secretary of the Interior to conduct large-scale cloud-seeding experiments in the Colorado River Drainage Basin within the States of Arizona, California, Nevada, Colorado, New Mexico, Utah and Wyoming.

## S. 693

Whereas there exist within the Grand Canyon National Monument in Arizona certain lands north of the Colorado River that have never been used for the purpose for which they were withdrawn,

And whereas these lands were used by livestock operators long prior to the establishment of the Grand Canyon National Monument,

And whereas the present grazing privileges, held by the prior users, are subject to complete termination under existing regulations,

Therefore, be it resolved that the National Advisory Board Council go on record as favoring legislation embraced in section 3 of Senate Bill 693 which would eliminate from the Grand Canyon National Monument all lands north of the Colorado River in Arizona not suitable or required for recreational or scenic purposes.

## Drouth Reduction

During drouth periods when the vitality of the range vegetation is at a low ebb of its existence, we recommend that permittees voluntarily vacate the range in part or completely, so as to give the range a fair chance to recover, and when so recovered that said permittees be not penalized because of such voluntary reduction, but the full amount of the permit be restored.

The National Advisory Board Council in executive session endorsed the following proposed changes to the Federal Range Code:

Sec. 161.2(k)(1)
Add after sentence ending "now part of the Federal range," at top of page 3, left column:

Such land may be (a) parallel land, i.e., land of the same character, interspersed with, and grazed at the same time as the Federal range on which grazing privileges are granted, (b) land of different character than the Federal range which properly supports the permitted livestock during all or part of the period that the Federal range is closed to grazing, or (c) a combination of these two types of land.1/

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1/ If conditions in a district so warrant it the base property requirement may be restricted to one type of land by special rule under Sec. 161.16.

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Sec. 161.2(k)(3)(ii)
Replace present wording with:

It shall not exceed the amount of forage needed for the number of livestock creating such dependency by use that were customarily and properly sustained on the base property during the priority period and continue to use such property to the same extent, except that in no instance will the use of base property be less than the minimum period established under section 161.4.

Sec. 161.6(d)
Change in the wording of the last five lines of this section.

* * * and which can be properly grazed without detriment to the operations regularly authorized on the basis of properties in class 1 and class 2.

Sec. 161.6(e)(9)(i)
Insert 1/at end of (i) and the following as note at bottom of page:

1/ When the grazing capacity of an area of Federal range is less than the class 1 base property qualifications, the disallowance of part of the privileges to meet the grazing capacity of the range will not jeopardize the qualifications of the properties to this extent, and annual application for use or nonuse of the disallowed amount will not be required.

Sec. 161.6(e)(13)(ii)
Substitute "adjustment" for "readjudication".

(ii) The Bureau of Land Management may make such adjustment at any time when necessary to comply with the Federal Range Code for Grazing Districts.

Sec. 161.6(e)(14)(ii)
Revise wording in last sentence of last paragraph at top right hand, page 8:

Any necessary enforcement action under subparagraphs (i) and (ii) will be taken in accordance with section 161.9(d).

Sec. 161.8(b)
* * * A minimum annual charge of $5 will be made on all regular licenses and permits, crossing permits, and nonrenewable licenses.

Sec. 161.8(d) Payment of fees; etc.

* * * Fees for licenses and permits are due the United States upon issuance of the fee notice pursuant to application and are payable seasonally or annually at least 15 days in advance of the first grazing period and for the full amount indicated on the fee notice: * * * (New wording underscored)

Sec. 161.11(b) Rules of fair range practice.

(4) When so requested by the State Supervisor or range manager, the licensee or permittee shall join with the Bureau of Land Management in preparing a fire plan which shall set forth in detail the plans for prevention, control, and extinguishing of fires, including the responsibility of the licensee or permittee for action on his range allotment and on adjacent Federal range.

# APPENDIX A

## Contributions to Completed Projects
## Fiscal Year 1956

| | Soil and Moisture | | Range Improvement | | Weed Control | | Private | | Total | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Range Users | Others | Range Users | Others | Range Users | Others | Range Users | Others | Range Users | Others | Combined |
| California | 23,342 | - | 16,582 | - | - | 5,190 | 115,185 | - | 155,109 | 5,190 | 160,299 |
| Oregon | 31,367 | 3,945 | 36,654 | 10,096 | 407 | 2,894 | 9,873 | 250 | 78,701 | 17,185 | 95,486 |
| Washington | - | - | - | - | - | - | 3,997 | - | 3,997 | - | 3,997 |
| Area 1 | 55,109 | 3,945 | 53,236 | 10,096 | 407 | 8,084 | 129,055 | 250 | 237,807 | 22,375 | 260,182 |
| Arizona | 34,404 | 713 | 20,028 | 17,187 | - | - | 87,672 | - | 142,104 | 17,900 | 160,004 |
| Idaho | 8,046 | 13,771 | 21,353 | 3,451 | 5,975 | 4,395 | 21,529 | - | 56,903 | 21,617 | 78,520 |
| Nevada | 14,049 | 110 | 54,128 | 6,704 | 15,696 | 1,320 | 51,010 | 10,260 | 134,883 | 18,394 | 153,277 |
| Utah | 36,110 | 9,339 | 89,458 | 18,511 | 42,145 | 400 | 10,853 | 2,605 | 178,566 | 30,855 | 209,421 |
| Area 2 | 92,609 | 23,933 | 184,967 | 45,853 | 63,816 | 6,115 | 171,064 | 12,865 | 512,456 | 88,766 | 601,222 |
| Colorado | 8,603 | 3,857 | 21,664 | 26,485 | - | 2,500 | 33,127 | - | 63,394 | 32,842 | 96,236 |
| Montana | 3,287 | - | 60,816 | 2,601 | - | - | 45,982 | - | 110,085 | 2,601 | 112,686 |
| New Mexico | 32,921 | 2,198 | 79,229 | 4,615 | - | - | 399,996 | - | 512,146 | 6,813 | 518,959 |
| Wyoming | - | 50 | 21,322 | 3,900 | 5,758 | 28,190 | - | 51,971 | 27,080 | 84,111 | 111,191 |
| Area 3 | 44,811 | 6,105 | 183,031 | 37,601 | 5,758 | 30,690 | 479,105 | 51,971 | 712,705 | 126,367 | 839,072 |
| Grand Total | 192,129 | 33,983 | 421,234 | 93,550 | 69,981 | 44,889 | 779,224 | 65,086 | 1462,968 | 237,508 | 1,700,076 |

| | |
|---|---|
| Obligations F.Y. 1956 Soil and Moisture | $2,739,115 |
| Obligations F.Y. 1956 Weed Control | 699,094 |
| Obligations F.Y. 1956 Range Improvement | 535,488 |
| | $3,973,697 |
| Total expenditures, Public and Private | 5,674,173 |
| Contributions as per cent of total program | 29.968% |

Appendix B

## FEDERAL RANGE IMPROVEMENT PROJECTS: CONSTRUCTION[a]
Fiscal Year 1956
(By Area)

| Type of Project and Expenditure | Unit of Measurement | Area 1 | | | Area 2 | | | | Area 3 | | | | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | California | Oregon | Washington | Arizona | Idaho | Nevada | Utah | Colorado | Montana | New Mexico | Wyoming | |
| General Programming: | | | | | | | | | | | | | |
| Surveys | Acre | - | - | - | - | - | - | - | 135,520 | 18,850 | 46,051 | 83,000 | 283,421 |
| Soil Stabilization and Improvemnt: | | | | | | | | | | | | | |
| Brush Control - non-chemical | Acre | - | - | - | 3,900 | - | - | - | 200 | - | 3,626 | 40 | 7,766 |
| Deep Plowing | Acre | - | - | - | - | 450 | - | - | - | 9 | 1,290 | - | 1,749 |
| Fencing | Mile | 21 | 80 | - | 425 | 85 | 134 | 73 | 33 | 57 | 111 | 44 | 1,063 |
| Pest Control | Acre | - | - | - | - | - | - | 13,932 | 550,250 | 50,905 | 278,257 | - | 893,344 |
| Reseeding | Acre | 100 | 524 | - | - | 353 | - | - | 1,500 | - | - | 160 | 2,637 |
| Weed Control - Mechanical | Acre | - | - | - | 180 | - | - | - | - | - | - | - | 180 |
| Weed Control - Chemical | Acre | - | - | - | 400 | - | - | - | - | 2 | 1,050 | - | 1,452 |
| Water Management: | | | | | | | | | | | | | |
| Detentions | Number | - | 7 | - | - | - | - | - | - | - | - | - | 7 |
| Pipelines | Lin. Ft. | 28,096 | - | - | - | 300 | - | 19,826 | - | - | - | - | 48,222 |
| Reservoirs | Number | 9 | 65 | - | - | 22 | 7 | 36 | 55 | 60 | 4 | 33 | 291 |
| | Cu. Yd. | 11,186 | 59,612 | - | - | - | 2,994 | 42,550 | 46,101 | 195,243 | 14,125 | 108,511 | 480,322 |
| Springs | Number | 2 | 4 | 1 | - | 1 | 16 | 17 | 22 | 20 | - | 1 | 84 |
| Water Storage Facilities | Number | - | 4 | - | - | - | - | 1 | - | - | - | - | 5 |
| | Gallon | - | - | - | - | - | - | 2,500 | - | - | - | - | 2,500 |
| Wells | Number | - | 11 | - | - | 2 | 9 | 3 | - | 4 | 1 | 1 | 31 |
| Program Facilities: | | | | | | | | | | | | | |
| Boundary Posting | Mile | - | - | - | - | 5 | - | 32 | 80 | - | - | 20 | 137 |
| Bridges | Number | - | - | - | - | - | - | 1 | - | - | - | - | 1 |
| Buildings | Number | - | - | - | - | - | 1 | - | - | - | - | - | 1 |
| Cattleguards | Number | - | 4 | - | 2 | 3 | 13 | 10 | - | - | 4 | 1 | 37 |
| Corrals | Number | 1 | - | - | - | 1 | - | - | - | - | - | - | 2 |
| Horse Rack | Number | - | 1 | - | - | - | - | - | - | - | - | - | 1 |
| Predator Control | Project | 150 | 2 | - | - | - | - | 2 | - | - | 5 | - | 159 |
| Stock Trails | Mile | - | - | - | - | - | - | 1 | - | - | - | - | 1 |
| Study Plots | Number | - | - | - | - | - | - | 1 | - | - | - | - | 1 |
| Survey Corner Marker | Number | - | 100 | - | - | - | - | - | - | - | - | - | 100 |
| Truck Trails | Mile | - | 13 | - | - | - | - | 44 | 11 | 21 | - | 18 | 107 |
| Program Expenditures: | | | | | | | | | | | | | |
| Bureau of Land Management Funds | Dollar | $11,264 | $19,592 | $117 | $18,977 | $14,085 | $47,754 | $19,907 | $13,988 | $42,668 | $59,463 | $44,279 | $292,094 |
| Contributions - Range Users | Dollar | 15,723 | 30,100 | - | 18,978 | 15,638 | 52,010 | 53,544 | 18,158 | 49,190 | 79,229 | 17,640 | 350,210 |
| Contributions - Others | Dollar | 5,779 | 5,469 | - | 6,683 | 2,100 | 3,886 | 18,089 | 6,191 | 2,601 | 1,072 | 400 | 52,270 |
| Other | Dollar | 2,530 | 5,829 | - | 34 | 405 | 1,931 | 422 | - | - | 3,543 | - | 14,694 |
| Total Program Expenditures | Dollar | $35,296 | $60,990 | $117 | $44,672 | $32,228 | $105,581 | $91,962 | $38,337 | $94,459 | $143,307 | $62,319 | $709,268 |

[a] Includes only projects completed during the year.

Appendix C

## FEDERAL SOIL AND MOISTURE CONSERVATION PROJECTS: CONSTRUCTION[a]

Fiscal Year 1956
(By Area)

| Type of Project and Expenditure | Unit of Measurement | Area 1 | | | Area 2 | | | | Area 3 | | | | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | California | Oregon | Washington | Arizona | Idaho | Nevada | Utah | Colorado | Montana | New Mexico | Wyoming | |
| General Programming: | | | | | | | | | | | | | |
| Surveys | Acre | - | 464,415 | - | - | 108,000 | 147,000 | 1,114,920 | 529,540 | 2,175,595 | 219,600 | 832,040 | 5,591,110 |
| Watershed Plans | Number | 10 | 8 | - | 1 | - | 6 | 10 | 1 | 5 | 7 | 8 | 56 |
| | Acre | 972,477 | 3,902,164 | - | 3,276,078 | - | 4,521,736 | 1,635,609 | 33,860 | 591,317 | 297,480 | 832,901 | 16,063,622 |
| Soil Stabilization and Improvement: | | | | | | | | | | | | | |
| Brush Control - Chemical | Acre | 2,522 | 2,542 | - | - | 1,500 | - | - | - | - | - | 1,836 | 8,400 |
| Brush Control - Other | Acre | 1,100 | - | - | 16,614 | - | 485 | 842 | 1,517 | - | 15,676 | 350 | 36,584 |
| Checks | Number | - | - | - | - | - | 42 | - | 51 | - | 6 | - | 99 |
| Contouring | Acre | - | - | - | - | - | - | - | 825 | 480 | - | 100 | 1,405 |
| Deep Plowing | Acre | - | - | - | - | - | - | - | 14 | - | 4,943 | - | 4,957 |
| Fencing | Mile | 11 | 75 | - | 40 | 48 | 51 | 84 | 11 | 30 | 87 | 8 | 445 |
| Pest Control | Acre | - | - | - | - | 500 | - | 711 | 113,275 | 500 | 1,120 | - | 116,106 |
| Reseeding | Acre | 10,490 | 8,191 | 600 | 2,788 | 13,949 | 11,831 | 7,509 | 1,443 | 200 | 4,991 | 3,105 | 65,097 |
| Tree Planting | Number | - | - | - | - | - | - | - | - | - | - | 300 | 300 |
| | Acre | - | - | - | - | - | - | - | 5 | - | - | 2 | 7 |
| Weed Control | Acre | - | - | - | - | 100 | 300 | - | - | - | - | - | 400 |
| Dune Control | Acre | - | 35 | - | - | - | - | - | - | - | - | - | 35 |
| Gully Control | Mile | - | - | - | - | - | - | - | 15 | - | - | - | 15 |
| Water Management: | | | | | | | | | | | | | |
| Bank Protection | Mile | - | 8 | - | - | - | - | - | - | - | - | - | 8 |
| Detentions | Number | 7 | 10 | - | 9 | - | - | 48 | 16 | 3 | 20 | 11 | 124 |
| | Cu. Yd. | 4,000 | - | - | 681,003 | - | - | 30,350 | 87,124 | 26,468 | 354,831 | 163,682 | 1,347,458 |
| Dikes | Lin. Ft. | - | - | - | 14,003 | - | - | 500 | 52,475 | 25,698 | 27,214 | 145,706 | 265,596 |
| | Cu. Yd. | - | - | - | 30,354 | - | - | 2,000 | 65,070 | 30,016 | 93,313 | 195,792 | 416,545 |
| Diversions | Number | - | - | - | - | - | - | 3 | 4 | 1 | 12 | - | 20 |
| | Cu. Yd. | - | - | - | - | - | - | 22,550 | 36,228 | 8,354 | 48,823 | - | 115,955 |
| Pipelines | Lin. Ft. | - | - | - | - | - | - | 11,300 | - | - | - | 150 | 11,450 |
| Reservoirs | Number | 42 | 48 | - | - | 17 | 1 | 11 | 28 | 24 | 13 | 3 | 187 |
| | Cu. Yd. | 66,175 | 68,196 | - | - | - | 1,000 | 9,050 | 66,350 | 79,284 | 51,743 | 5,925 | 347,723 |
| Silt Trap Exclosures | Number | - | - | - | - | - | - | - | 1 | - | - | - | 1 |
| Springs | Number | 5 | 19 | 1 | - | 3 | 4 | 5 | 3 | - | 1 | 2 | 43 |
| Water Spreading | Acre | - | - | - | - | - | - | 160 | 60 | - | - | - | 220 |
| Water Storage Facilities | Number | - | - | - | - | - | - | 2 | - | - | 2 | - | 4 |
| | Gallon | - | - | - | - | - | - | 15,000 | - | - | 72,000 | - | 87,000 |
| Waterways | Lin. Ft. | - | 51,216 | - | - | - | - | 1,584 | - | - | - | - | 52,800 |
| Wells | Number | 1 | 5 | - | - | 6 | 12 | 2 | - | - | 1 | - | 27 |
| Program Facilities: | | | | | | | | | | | | | |
| Bridges | Number | - | 1 | - | - | - | - | - | - | - | - | - | 1 |
| Boundary Posting | Number | - | 35 | - | - | - | - | - | - | - | - | - | 35 |
| Cattleguards | Number | - | 2 | - | - | - | 1 | 9 | - | - | 8 | - | 20 |
| Study Plots | Number | - | 2 | - | - | 12 | 24 | 4 | - | 6 | - | 2 | 50 |
| Truck Trails | Mile | - | - | - | - | - | - | 50 | - | - | - | - | 50 |
| Program Expenditures: | | | | | | | | | | | | | |
| Bureau of Land Management Funds | Dollar | $38,660 | $100,049 | $221 | $340,350 | $113,010 | $125,819 | $128,327 | $95,953 | $53,580 | $229,891 | $77,065 | $1,302,925 |
| Contributions - Range Users | Dollar | 22,491 | 30,528 | - | 31,649 | 8,046 | 14,049 | 36,110 | 8,603 | 3,199 | 32,921 | - | 187,596 |
| Contributions - Others | Dollar | 610 | 4,446 | - | - | 4,669 | 110 | 8,970 | 3,857 | - | 2,198 | 50 | 24,910 |
| Other | Dollar | 53 | 337 | - | 713 | 4,628 | - | 369 | - | - | 1,157 | - | 7,257 |
| Total Program Expenditures | Dollar | $61,814 | $135,360 | $221 | $372,712 | $130,353 | $139,978 | $173,776 | $108,413 | $56,779 | $266,167 | $77,115 | $1,522,688 |

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[a] Includes only projects completed during the year.

# APPENDIX D

## Halogeton Infestation
## July 1, 1956

| | Estimated Acreage July 15, 1955 | | Estimated Acreage July 1, 1956 | | Increase + Decrease - | |
|---|---|---|---|---|---|---|
| State | BLM Lands | Other Lands | BLM Lands | Other Lands | BLM Lands | Other Lands |
| Oregon | 20 | 0 | 30 | 0 | + 10 | 0 |
| California | 17,760 | 36,340 | 54,100 | 36,160 | + 36,340 | - 180 |
| Nevada | 2,706,346 | 1,120,943 | 4,413,837 | 1,262,480 | + 1,707,491 | +141,537 |
| Idaho | 203,560 | 107,400 | 236,038 | 140,400 | + 32,478 | + 33,000 |
| Utah | 3,329,428 | 1,427,466 | 3,390,266 | 1,477,853 | + 60,838 | + 50,387 |
| Montana | 16,960 | 14,240 | 17,600 | 14,880 | + 640 | + 640 |
| Wyoming | 126,016 | 15,260 | 103,847 | 40,185 | + 22,169 | + 24,925 |
| Colorado | 2,157 | 495 | 2,330 | 730 | + 173 | + 235 |
| Total | 6,402,247 | 2,722,144 | 8,218,048 | 2,972,688 | + 1,815,801 | +250,544 |

Total increase July 1955 to July 1956 - 2,066,345 acres - is due to new locations of infested areas and to spreading within and on the perimeter of infested areas.

Appendix E

## WEED CONTROL PROJECTS
Fiscal Year 1956
(By Area)

| Type of Project and Expenditure | Unit Of Measurement | Area 1 |  | Area 2 |  |  |  | Area 3 |  |  |  | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
|  |  | California | Oregon | Arizona | Idaho | Nevada | Utah | Colorado | Montana | New Mexico | Wyoming |  |
| General Programming: |  |  |  |  |  |  |  |  |  |  |  |  |
| Surveys | Acre | 2,025,000 | 1,001,000 | 2,500,000 | 471,411 | 100,000 | 1,056,725 | 196,260 | 60,000 | 100,000 | 2,343,034 | 9,853,430 |
| Soil Stabilization and Improvement: |  |  |  |  |  |  |  |  |  |  |  |  |
| Brush Control - Chemical | Acre | - | - | - | - | 5 | - | - | - | - | - | 5 |
| Brush Control - Mechanical | Acre | - | - | - | - | - | 598 | - | - | - | - | 598 |
| Deep Tillage | Acre | - | - | - | 1,161 | - | 550 | - | - | - | - | 1,711 |
| Fencing | Mile | - | - | - | 40 | 52 | 169 | - | 1 | - | - | 262 |
| Pest Control | Acre | - | - | - | - | - | 711 | - | - | - | - | 711 |
| Reseeding | Acre | - | - | - | 9,769 | 14,635 | 1,423 | - | - | - | - | 25,827 |
| Weed Control - Chemical | Acre | 1,113 | 1,035 | - | 3,625 | 11,042 | 3,886 | 3,060 | 161 | - | 9,768 | 33,690 |
| Water Management: |  |  |  |  |  |  |  |  |  |  |  |  |
| Detentions | Number | - | - | - | - | 20 | - | - | - | - | - | 20 |
|  | Cu. Yd. | - | - | - | - | 10,000 | - | - | - | - | - | 10,000 |
| Dikes | Lin. Ft. | - | - | - | - | - | 35,024 | - | - | - | - | 35,024 |
|  | Cu. Yd. | - | - | - | - | - | 39,980 | - | - | - | - | 39,980 |
| Reservoirs | Number | - | 1 | - | - | - | - | - | - | - | - | 1 |
|  | Cu. Yd. | - | 7,000 | - | - | - | - | - | - | - | - | 7,000 |
| Program Facilities: |  |  |  |  |  |  |  |  |  |  |  |  |
| Cattleguards | Number | - | - | - | 2 | - | 16 | - | - | - | - | 18 |
| Truck Trails | Mile | 7 | - | - | - | 2 | - | - | - | - | - | 9 |
| Program Expenditures: |  |  |  |  |  |  |  |  |  |  |  |  |
| Bureau of Land Management | Dollar | $13,683 | $2,115 | - | $96,844 | $121,656 | $118,918 | $24,265 | $4,272 | - | $32,018 | $413,771 |
| Contributions - Range Users | Dollar | - | 407 | - | 5,975 | 15,696 | 42,145 | - | - | - | 5,758 | 69,981 |
| Contributions - Other | Dollar | 5,190 | 2,894 | - | 1,316 | 1,320 | 400 | - | - | - | 28,190 | 39,310 |
| Other | Dollar | - | - | - | 3,079 | - | - | 2,500 | - | - | - | 5,579 |
| Total Program Expenditures | Dollar | $18,873 | $5,416 | - | $107,214 | $138,672 | $161,463 | $26,765 | $4,272 | - | $65,966 | $528,641 |

## Appendix F

## WEED CONTROL PROJECTS
Fiscal Years 1952 through 1956

| Type of Project | Unit of Measurement | Area 1 | | Area 2 | | | | Area 3 | | | | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | California | Oregon | Arizona | Idaho | Nevada | Utah | Colorado | Montana | New Mexico | Wyoming | |
| General Programming: | | | | | | | | | | | | |
| Surveys[a] | Acre | 2,535,000 | 2,101,000 | 5,390,000 | 2,758,787 | 1,150,000 | 3,553,751 | 389,060 | 114,600 | 280,000 | 4,057,878 | 22,330,076 |
| Soil Stabilization and Improvement: | | | | | | | | | | | | |
| Brush Control - Chemical | Acre | - | - | - | - | 5 | - | - | - | - | - | 5 |
| Brush Control - Mechanical | Acre | - | 220 | - | - | 26,556 | 26,075 | - | - | - | - | 52,851 |
| Contouring | Acre | - | - | - | - | - | - | - | - | - | 1,805 | 1,805 |
| Deep Tillage | Acre | - | - | - | 1,161 | - | 550 | - | - | - | - | 1,711 |
| Fencing | Mile | - | 60 | - | 218 | 293 | 564 | 8 | 1 | - | 50 | 1,194 |
| Pest Control | Acre | - | - | - | 25,000 | - | 77,821 | - | - | - | - | 102,821 |
| Reseeding | Acre | - | 22,208 | - | 160,571 | 142,157 | 70,554 | 326 | - | - | 2,302 | 398,118 |
| Tree Planting | Number | - | - | - | - | - | - | - | - | - | 200 | 200 |
| | Acre | - | - | - | - | - | - | - | - | - | 2 | 2 |
| Weed Control - Chemical [a] | Acre | 3,860 | 1,095 | - | 8,490 | 38,217 | 39,150 | 6,211 | 358 | - | 15,655 | 113,036 |
| Gully Control | Mile | - | - | - | - | - | 10 | - | - | - | 37 | 47 |
| Water Management: | | | | | | | | | | | | |
| Detentions | Number | - | - | - | - | 20 | 1 | - | - | - | 10 | 31 |
| | Cu. Yd. | - | - | - | - | 10,000 | 58,188 | - | - | - | 140.077 | 208,265 |
| Dikes | Lin. Ft. | - | - | - | - | - | 122,144 | - | - | - | 361,378 | 483,522 |
| | Cu. Yd. | - | - | - | - | - | 182,051 | - | - | - | 331,974 | 514,025 |
| Diversions | Number | - | - | - | - | - | - | - | - | - | 14 | 14 |
| | Cu. Yd. | - | - | - | - | - | - | - | - | - | 9,244 | 9,244 |
| Reservoir | Number | - | 1 | - | - | - | - | - | - | - | - | 1 |
| | Cu. Yd. | - | 7,000 | - | - | - | - | - | - | - | - | 7,000 |
| Water Spreading | Acre | - | - | - | - | - | 3,000 | - | - | - | 3,705 | 6,705 |
| Program Facilities: | | | | | | | | | | | | |
| Boundary Posting | Mile | - | - | - | 5 | - | - | - | - | - | - | 5 |
| Cattleguards | Number | - | - | - | 13 | 8 | 27 | - | - | - | 3 | 51 |
| Study Plots | Number | - | - | - | - | - | 1 | - | - | - | - | 1 |
| Truck Trails | Mile | 21 | - | - | - | 16 | 11 | - | - | - | 1 | 49 |

[a] These projects include, to some extent, duplication of acres covered year after year.

INT.-DUP. SEC., WASH., D.C. 14526

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